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VOLUME 69.
PART CXXX. MARCH 1936.

SCOTTISH RECORD SOCIETY.

no. 69

THE BINNS PAPERS
1320-1864

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PART I.—1320-1685.

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[*Continued on page 3 of Cover.*

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THE BINNS PAPERS,

1320–1864.

Writs marked (*) have been printed in whole or in part in the *Hist. MSS. Com.* IX Report, Appendix 2, pp. 232 *et seq.*

1. CHARTER * by John of Grahame, lord of Abircorne, to his son, Henry of Grahame, of his whole land of Wolyor and of Gordoun in the town of Maneristoun in the barony of Abircorne. To be held by the said Henry and the heirs of his body lawfully begotten, with common right in the peat moss of Duntarvyne for himself and his men. Reddendo: a pair of gilt spurs yearly, if asked, at Abircorne, with all other service used and wont. Witnesses, Lord Malise, Earl of Stratheryn, Sir David of Lyndesey and Sir Adam More, knights, Thomas of Grahame. Seal attached. No date [*c.* 1320].

   Shield bearing 3 scallop shells in chief, lower charge defaced. Legend: [Sig.] Johannis de Grame.

2. CHARTER * by John of Grahame, lord of Abircorne, to his son, Henry Graham, of the lands of Wolyor and of Gordoun in the town of Maneristoun in the barony of Abircorne, with the three oxgangs of land which Adam Redel formerly held of the granter and which he resigned in full court. To be held by the said Henry and the heirs of his body lawfully begotten with the common right in the peat moss of Duntarvyne for himself and his men. Reddendo: a pair of gilt spurs yearly at Abircorne; and if the said Henry, his heirs or their men shall happen to be amerced in the granter's court, they shall pay no other fine than four pennies. Witnesses and date as in No. 1. Seal missing.

3. CHARTER * by John of Grahame, lord of Abircorne, to his son, Henry of Grahame, of the lands as described in No. 2. To be held by the said Henry, his heirs and assignees for payment of a penny at the Feast of the Nativity at Abircorne, if asked, in lieu of homage, ward and relief, and all other service exigible. Witnesses, Lord Malise, Earl of Stratherin, Sir Adam More and Sir Thomas of Erth, knights, Thomas of Grahame. No date [*c.* 1325]. Seal missing.

4. CHARTER * by John Grahame, lord of Abircorne, to his son, Henry Grahame, of his lands of Manayrstoun in the barony of Abircorne, with three oxgangs as in No. 2. To be held by the said Henry, his heirs and assignees with common right to the peat moss of Duntharwy. Reddendo: one silver penny blench payable at the Feast of the Nativity of St. John the Baptist, if asked, at the Castle of Abircorne; limitation of fine in the granter's court as in No. 2. Seal attached. Witnesses and date as in No. 3.

   Shield bearing 3 scallops in chief; in base a figure like a talbot's head turned towards the sinister side.

5. CHARTER as No. 4 with omission of the clause relating to the limitation of fines in the granter's court.

6. CHARTER[1] by John of Menthet,[2] lord of Cnappodol and of Aran, to Gilleasbeg Cambel,[3] lord of Lochlowe, his heirs and assignees of these lands of Cnappodol: one penny land of Arinanno, Ervergy, Arduyg and Arcreich, one farthing land of Bercurart, one penny land of Leachenaban, Drumvynd and of Craglyne, one farthing land of Obistan, one penny land of Bealalach, one penny land of Conardart, one half penny land of Dunan, one penny lands of Glencagidubuirgilh and Aigeargage, one penny land of Lagan, one half penny land of Achagnacloch, one penny land of Kyllmychel and Cragnavvach, one half penny land of Leyrnahunsend near the land of Kyllmychel, one penny land of Drumnaherwege and Metnach, three farthings land of Achagnadarach, one half penny land of Achagnagarth, three farthings land of Bralach, one half penny land of Kyllaldubuiscalan, one half penny land of Atchuan, and one penny land of Ynwerneill, Breanorlyng and Corerlynge. To be held by the said Gilleasbeg Cambel for yearly payment of one penny sterling at the Feast of St. Martin. Dated at the Castle of Suffin (Swaine), the Eve of St. Andrew the Apostle 1353.

7. CHARTER[4] by Henry of Levyngstoun, lord of Manerstoun, to his son, Henry of Levyngstoun, of the lands of Manerstoun and of Westbyris with half of the mill of Abircorn, and also the lands of Philipstoun and half of the mill thereof, and the lands of Croudarland, lying in the barony of Abircorn and in the sheriffdom of Edinburgh and constabulary of Linlythqw. To be held by the said Henry and his heirs male, whom failing by John of Levyngstoun,[5] his brother german, and his heirs male, whom failing by Robert of Levyngstoun,[6] his brother, and his heirs male, whom failing by James of Levyngstoun, his brother, and his heirs male, whom failing by James of Levyngstoun, son of Robert of Levyngstoun, lord of Drumry, and his heirs male, whom all failing by the heirs of the said Henry, the granter's son, in fee and heritage of John Lindissay, lord of the barony of Abircorn; together with common pasture on the moor of Abircorn and the "petemyre" of Dontarvy, with reservation of the granter's liferent. Reddendo: one silver penny blench yearly, if asked for, to the said John Lindissay, for the chief manor of Manerstoun and for thirty acres of land lying nearest the said manor; and for the other lands of Manerstoun, Philipstoun, Crowdarland and Westbyris, and for the mills of Abircorn and Philipstoun three suits at the three head courts of the said lord of Abircorn, with ward, relief and marriage when they happen. Dated at Manerstoun, 8 June 1431. Witnesses, Robert of Levyngstoun, lord of Drumry, Mr. David Broun, chancellor of Glasgow, and James of Parkle, lord of that Ilk.[6] Seal missing.

8. AGREEMENT[4] between Henry of Levyngstoun, lord of Manerstoun, and his son Henry on the one part, and John Martyn, lord of Medop, on the other part, anent the division of the lands of Manerstoun and Westbyris; which lands for a short time past have, by consent of both parties, been divided into two equal divisions, according as the metes and marches

[1] The original document was presented by a friend to Sir John Graham Dalyell, Bart. of Binns.

[2] Grand-nephew of Alexander, 6th Earl of Menteith. (*Scots Peerage*, vi, 132.)

[3] Ancestor of the Dukes of Argyll. (*Ibid.*, I, 326.)

[4] Succeeded to Manerstoun. See No. 9 *infra*.

[5] Robert Livingston of Linlithgow, the comptroller; executed 21 Jan. 1449/50.

[6] Laird of Parkley near Linlithgow, and owner of a house in Linlithgow, called Parkley's land, afterwards the Regent Arran's Lodging, afterwards the Riccarton Lodging; removed to make room for the sheriff court house and prison.

more fully show. The said Henry of Levyngstoun accepted and chose as his principal messuage the fortalice of Manerstoun with a certain space divided and assigned to the same, and in the same way the said John Martyn chose Medop as his principal messuage with a certain space likewise. And for an equal division of the said lands to be made betwixt them, the said parties by mutual consent chose two lots made of wood, and marked by each party. These lots were with consent of parties delivered to Thomas West, who upon the high altar of the parish church of Abircorn divided them into two parts, and so by equal lot the south part of the lands of Westbyris fell to the said Henry, and the north part to the said John: and also by virtue of his lot the south part of the lands of Manerstoun fell to the said John, and the north part fell to the said Henry, reserving to each party the respective messuages of Manerstoun and Medop. The parties then pledged themselves and their heirs to observe faithfully the above division of the said lands. Done in the parish church of Abircorn, 20 July 1438. Witnesses, schir Allan Merschel, vicar of Abircorn, John Weyr,[1] burgess of Linlythqw, John Makysoun, Robert Jamisoun, Robert Stedman, Robert Spethy, John Smyth, James Stedman, Robert Smyth, Robert of Scottistoun, John Gray, William Dawsoun, Robert of Blacburn, Thomas Bullok, Alexander West and the said Thomas West. Notary, James of Foulis.[2]

9. INDENTURE* made between Sir John Lindsay, lord of the Beris, on the one part, and John of Levingstoun, his cousin, and Dame Annes,[3] his wife, on the other part, whereby the said Sir John obliges him to give to the said John of Levingstoun heritable state and possession of all the lands in the barony of Abircorn which his brother Henry of Levingstoun had held, viz., in the parts of Manerstoun, Westbyris, and Philipstoun; and also a letter of acquittance of all his bygone relief of the said lands and of all other dues except a sasine ox; and also to come in person, if need be, at the said John's will, to give him "seseing help and supple in that case and in all uthir" and to give him "his copy of his charter tailye," on condition that the said John finds caution to return the said copy after the inquest and service. It is further agreed that the said Dame Annes shall have from the said lord of the Byris heritable state and possession of her part of Erthbeg, and that thereafter she shall resign and overgive in the said lord's hands all right and claim to the said lands; and if it shall happen that the said lands be lawfully "retourit out off the said lordis hands othir be Dame Annes or hir ayris," the said John of Levingstoun shall pay to the said lord or his heirs 23 pounds Scots for his expenses. Both parties give their oath "the Hali Evangel tuichit," to keep the terms of the indenture. Done at Strivlyn, 6 December 1439. Witnesses, John Gourlay, David Lumysden, Thomas of Grundystoun, Laurence Lame and John of Kirkpatrik.

Sealed with the seal of Sir Patrick of Hepburn[4] "his own brother," because the said Sir John had no proper seal of his own.

The indenture, in the vernacular, is contained in a transumpt made at the instance of John Levingstoun of Manerstoun by Patrick Johnston, notary; and testified by James Forster, James Maknakill, John Bullok, William Davidsoun and Andrew Russale, in the presence of Walter Hammiltoun, sheriff-depute of Lithqw, 20 October 1470.

[1] Bailie of Linlithgow, 1444, 1445. (*Linlithgow Writs MS.*)

[2] Practised as a notary in Linlithgow, 1429 to 1472, frequently during the period filling the office of town-clerk. (*Ibid.*)

[3] Agnes de Airth, daughter of Sir William Airth of Plane, and widow of [Sir William] Hamilton of Bathgate. (E. B. Livingstone: *The Livingstones of Callander.*)

[4] Joanna de Airth = William Gourlay. Their daughter, Dame Christian Gourlay, Lady Wauchton, = (1) Sir Patrick Hepburn of Hailes; and (2) Sir William Lindsay of Byris. (*Lyon Office.*)

10. CHARTER* OF CONFIRMATION by John Lyndesay of Byrys, confirming a charter by John of Levyvstoun, laird of Manerstoun, in favour of his son, John of Levyvstoun and Helen,[1] his wife, of the lands of Philpstoun and the mill thereof, lying in the barony of Abercorn, sheriffdom of Edinburgh and constabulary of Linlithgow. To be held by the said John and Helen, his wife, and their heirs male, whom failing by Henry Levyvstoun, brother german of the granter, and his heirs male, whom failing, by Henry of Levyvstoun,[2] son of the late Robert of Levyvstoun, the granter's brother, and his heirs male, whom failing by the lawful heirs male of James of Levyvstoun, son of the late Robert of Levyvstoun, laird of Dunnery, and his heirs male, whom all failing, by the lawful heirs of the late Henry of Levyvstoun, the granter's brother, in fee and heritage, with common pasture in the moor of Abercorn and the "petmyre" of Duntervy, of John Lyndesay, lord of the barony of Abercorn; reserving to the said Lord Lyndesay the ward, relief and marriage of the same. Dated at Manerstoun, 24 August 1457. Witnesses, Sir Patrick Hebburne of Wachtoun, John Mertyn of Mudchop, Henry Hebburne, Andrew Dyschyntoun, Archibald Hebburne and Mr. William Keyth, notary public.

Charter of confirmation dated at Ochterotherstroder, 30 August 1457. Witnesses, John and Alexander Lyndesay, sons of Lord Lyndesay, Andrew Dyschyntoun and Alexander Dewer. [Seal missing.]

11. INSTRUMENT OF SASINE in favour of John of Levyvnstoun and Helen, his wife, in the lands of Manerstone, Westbyris, Croudarland and half of the mill of Abircorne, lying in the barony of Abircorne and sheriffdom of Linlithqw (*sic*): following on charter by his father, John of Levyvnstone, laird of Manerstone, with reservation of liferent to the said father. Also sasine to the same parties in the lands of Philpstone. Sasine given by Archibald of Hepburne, burgess of Hadingtone, bailiff for John, Lord of Lyndissay of Byris, and also for John of Levyngstone, laird of Manerstone, to the said John of Levyngstone, younger, and to Gilbert of Barry, attorney for the said Helen, at the manor house of Manerstone and on the solum of the lands of Philpstone, 6 September 1457. Witnesses, Alexander of Hepburne, younger, John Drummond, Henry Bullok, John Gadapare and Thomas Penny. Notary, James of Foulis.

12. CHARTER* by John of Levyngstoune, laird of Manerstoune, in favour of his son, John of Levyvnstone, of the lands of Manerstone, Westbyris, Croudarland and half of the mill of Abircorne, lying in the barony of Abircorne, in the sheriffdom of Edinburgh and in the constabulary of Linlithqw. To be held by the said John and his heirs male, whom failing by the heirs of entail named in No. 10, in fee and heritage, of John, Lord of Lindissay, and lord of the barony of Abircorne, with common pasture on the moor of Abircorne and the "petemyre" of Duntervy; reserving to the granter his liferent and to his wife Agnes a reasonable terce. Reddendo: to the said lord of the barony of Abircorne one silver penny blench, if asked for, for the manor house of Manerstone and for 30 acres adjacent thereto, and for the other lands three suits at the three head courts of the barony of Abircorne, with ward, relief and marriage. Dated at Manerstone, the penultimate day of September (*sic*) 1457. Seal missing.

13. PRECEPT OF SASINE, narrating that Sir John Culquhone of that Ilk knight, and James Schaw of Salquhy were sworn to the office of the sheriffship of Linlithqw as sheriffs in that part, as directed by a brieve of Chancery, to serve Henry Levingistoune, son and heir of the late

[1] Helen Drummond. [2] Usually designated "of Middlebynning."
[3] *Mod.* Crawford Priory in Fife.

John Levingistoune of Mannerstoun, as heir to his father. Done in the Lower Town House of the burgh of Edinburgh, 28 January 1477/8. Witnesses, Thomas[1] and William,[2] bishops of Aberdeen and Moray, Andrew, Lord Avandale, chancellor of Scotland, Colin, Earl of Ergile, James, Lord Hammiltoun, and Mr. Archibald Quhitelaw, archdeacon of Lothian and King's secretary. Notary, Henry Mayr.

14. Renunciation * by Ellen, widow of the late John Levingstoune, son of John Levingstoune of Manarstoune, in favour of Henry Levingstoune, of all right which she has by reason of her terce to the lands of Manarstoune, Medhope, Crudirland and the mill thereof. She reserves her liferent of the lands of Philipstoune and engages not to stop the said Henry in the pursuit of the fee of the said lands of Philipstoune and to make procuratories of resignation of the fee of the said lands. The said Ellen asserted that she made this renunciation of her own free will in the absence of Peter Mowbray, now her husband. John Drummond of Kargill in name and behalf of the said Ellen asked instruments. Done before Mr. John Ottirburn, archdeacon of Galloway, chamberlain of Glasgow and official of St. Andrews within the archdeanery of Lothian, holding court in the consistory of the church of St. Giles in Edinburgh, 20 February 1477/8. Witnesses, William, Lord Creichtone, John Drummond of Kargill, Lord Stobhall, Gilbert Forster of Dulaw, Andrew Drummond, Andrew Wardlaw, esquires, Mr. John Luthirdale, rector of Durris, David Boyis, John Boner and James Fulfurd, priests and notaries public. Notaries, George Cotes and John Walch.

15. Narrative of Proceedings * in a court held in the burgh courthouse of Edinburgh, in presence of John Culquhone of Luss, knight, sheriff of Linleithqu, specially appointed for the purpose by the King. There appeared Henry Levingstoune, brother and heir of the late John Levingstoune of Manerstoune, along with his prolocutor, Mr. Richard Lawsone, and pursued a brieve of inquest obtained from the royal chancery by the said Henry, of the half of the lands of Manerstoune, the half of the lands of Medhop, the lands of Cruderlande, and half of the lands of Philpstoune, lying in the barony of Abircorne and sheriffdom of Linleithqu, of which lands the said late John Levingstoune and John Martyne of Medhop were portioners. There appeared also Robert Levingstoune, son and heir apparent of Henry Levingstoune of Medilbynnyng, as procurator for his father. The said Robert alleged that the brieve ought not to go to an assise or inquest; first, because it was holiday time, and next, because the said brieve was not served within the sheriffdom of Linleithqu. Parties were removed, and on their reentering it was found by the assessors of the said court that the objections were of no effect. After the election of an assise of trustworthy men the said Mr. Richard in name and behalf of the said Henry asked the said Robert if he had anything to say to the present assise or not. The said Robert replied that he had nothing to say. Thereupon the said Mr. Richard asked instruments. Done in the said courthouse, 13 March 1477/8. Witnesses, John Haddingtoune, Alexander Wardlaw of Waringstoune, Mr. William Elphinstoune, official of Glasgow, Alexander Spens, George Creichtoune, William Johnestoun, Thomas Garland, assessors of the said court, Alexander Michelsoune, Peter Merche, schir Thomas Quodquen and James Young, notaries public. Notary, John Walch.

16. Instrument * of Sasine in favour of Henry Levingstone, brother and heir of the late John Levingstone of Manerstone, in half the lands of Manerstoun, half the lands of Medhop with half the mill thereof, half the lands of Philpstoun with half the mill thereof, and all and hail the

[1] Thomas Spens. [2] William Tulloch.

Scots of Comendande, all lying in the barony of Abercorne and sheriffdom of Linlithqu, following on precept by John, Lord Lindesay of Birs, baron of the barony of Abercorne, directed to Mr James Lindesay, his son, Alexander Spens of Pettencreff, James Duram and Alexander Craighouse, and dated at Edinburgh, 4 April 1478. Sasine given by the said James Lindesay accordingly on the ground of the lands of Manerstoun within the wall surrounding the tower thereof, on the ground of half the lands of Manerstoun towards the north, on the ground of the lands of Crudelands, and on the ground of half the lands of Medhop at the old toft or mansion thereof, 9 April 1478. Witnesses, John Martyne of Medhop, Andrew Martyne, his eldest son, Archibald Meldrum, son and heir of the late James Meldrum of Bynnis, John Carnis, eldest son of Jame Carnis of Orchartrie, James Durame, Thomas Grenlaw, James Grenlaw, James Matheson, Robert Matheson, Bartholomew Mastrose, John Makaslane, Robert Cristy, Lawrence Smyth, John Barnhno, John Auchy, sclar, Thomas Wilyamsoun, chaplain, Thomas Robisone, sergeant of the barony, and Mr. George Monypenny, notary public. Notary, James Young.

17 DECREET ARBITRAL* pronounced by Sir John of Colquhoun of the Luss, knight, Mr William Elphinstoun, official of Louthiane, Mr. Adam Cockburn of Strabing, James of Creichtoun of Rothwen and James Hering of Tulyboyle, judges arbiters chosen in presence of the lords of our Soverein lord's council between John Martin of Meidhop on the one part, and Henry Levingstoun of Manerstoun and George Hamyltoun of the Lays on the other part, in a mutual action for damages concerning the lands of Medhop and Manerstoun and the mill of Abircorn, and also seven marks worth of the lands of Philpstoun, "beand the brekin of the said myln and the wanting of the profit of the samyn huddertill sen the tyme of the brekin of hir and the awaye takin of thre pottis be the said Henry fra the saidis Johnis servandis, and the awaye takin of thre oxin be the said George of Hamyltoune out of the said Johnis tak and maling of Torfyne, and the away taking of a myln rynde,[1] a myln spindil, and a myln stane be the said Henry and his folkis, as is allegit, out of the said myln." Both parties were bound by oath in presence of the said lords of council to abide by the deliverance of the judges arbiters, and the latter were sworn faithfully to issue a decreet and to deliver the same in writing to both parties. "We, hafand God before us, thus we decret, deliveris sentence and ordanis that the excambion and appunctmentis[2] maid and confett of before betuix umquhile John Martin of Medhope and umquhile John of Lewingstoun of Manerstoun anent the saidis landis of Meidhope and the landis of Manerstoun and sevin markis worth of the said landis of Philpstoun witht the said myln of Abircorn stand in sic complite strenth, force and effect as is contenit in the indenturis maid thairuppoun, fra the fest of Witsonday last by passit before the date of thir lettiris till the fest of Witsonday cum a tuelfmund thairefter and na langer till endure; and thane ilkane of the saidis partis to ga to thair awn landis lik as the saidis umquhile John and John, thair forbearis, did befor the makin of the saidis evidentis and endentaris maid betuix thaim hereuppoun; and as to the brekin of the said myln quhilk the said Henry brak and distrewyt, as was schewed to us, we ordane the said Henry to apparell and mak hir als gud of all graith pertening to hir as sche was the tyme before he brak and distroyit hir, that is to saye, of a myln rynd, a myln spindill and trundillis,[3] and a myln stane; and als the said Henry sal refound and geve to the said John als mekle profit and fermis as the said John gat of beforetyme within sa lang space as fra the breking of the said myln to the biggin

[1] The iron which supports the upper millstone of a corn-mill, and carries the eye which rests upon the end of the mill spindle. (*Oxford Dict.*)
[2] See No. 8 *supra*. [3] W

and upemaking of hir again. And als the said Henry sal deliver again to the said John the thre pottis takin be him fra the saidis Johnis servandis. And attour we ordane the said George of Hamyltoun to deliver and restore again in the landis of Torfyne to the said John Martin the thre oxin quhilkis he tuk of the samin, and gif the said George has oucht to say to the said oxin to persew thaim as law will. The quhilkis gudis beforewrittin we ordain to be deliveret and restorit to the said John Martin betuix the date of this decrete and the fest of Sanct Martin in wynter thaireftir. And mair attour we ordane that all the housis being uppoun the saidis landis of Manerstoun, Meidhope and Philpstoun, pertening to athir partis to be prisit now be lele, trew men sworn thairto to knaw apoun the gudness and availe of thaim, and quhat thai personis findis to be left sa gud at the said fest of Witsonday cum a tuelfmund as thai ar this daye. And ilk party sall do to thair land in the mene tyme als wale as thai did of before." The party failing to observe the decree shall pay to the other within seven months the sum of three hundred marks Scots on the High Altar of the college kirk of St. Giles of Edinburgh. The decree is dated at Edinburgh, 21 October 1478.

It bears the impressions of three seals, two of which are entirely obliterated, while the third bears a lion rampant.

18. NOTARIAL PROTEST* by James Levinstoun, son and heir apparent of Henry Levinstoun of Manerstoun, acting as attorney for Elizabeth Martin. It is narrated that the said James presented himself at the gates of the Castle of Dalketh and requested admission to the presence of James, Earl of Mortoun, to present to him a precept of sasine under the Great Seal, directed to the said Earl, and requiring him to give sasine in her lands to the said Elizabeth, but that the said James was refused admission. Done at the gates of the Castle of Dalketh, 18 May 1485. Witnesses, William Borthwic and Gilbert Twedy, servants of the said earl. Notary, Patrick Makculloch.

19. INSTRUMENT* OF SASINE in favour of James Levingstoun as heir to his father, the late Henry Levingstoun of Manerstoun, in the principal messuage of the lands of Manerstoun together with 32 (*sic*) acres lying adjacent to the manor house, and also in the remainder of the half of the lands of Manerstoun sloping to the north, all lying in the barony of Abircorne and sheriffdom of Linlithqw. Sasine given by James Duraham under precept of sasine directed to him by David, Lord Lindesay of Byris, baron of Abircorne. Done at the tower or manor house of Manerstoun and on the north half of the said lands *successive*, 21 October 1485. Witnesses, George Duraham, Robert Gardenar, Robert Mathesone, Alexander Wolf, Patrick Cathty and John Auchy. Notary, James Young.

20. INSTRUMENT* OF SASINE in favour of James Levingstoun, as heir to his father, the late Henry Levingstoun of Manerstoun, in the lands of Philpstoun, in the lands of Crudirland and in half the lands of Meydhop, all lying in the barony of Abbircorne and sheriffdom of Linlithqw. Sasine given by James Durhame under precept of sasine directed to him by David, Lord Lindesay of Byris, baron of Abbircorne. Done on the ground of Philpstoun, Crudirland and Meidhop *successive*, 21 October 1485. Witnesses, Walter Bullok, John Russel, Matthew Bathcat, Andrew Robesoune, Bartholomew Martyne, James Gib, Thomas Young, James Forrest, John Mungwel, William Liddail, Thomas Kirk, John Fresal, James Lambe, James Cokburne and John Maxwell. Notary, James Young.

21 INSTRUMENT OF SASINE in favour of Helen, Marion, Margaret and Christina Fawside, daughters and heirs of the late Gavin Fawside of

Scottistoun, in the lands of Scottiston, lying in the barony of Abircorne and sheriffdom of Linlithqw; following on precept of sasine by David, Lord Lyndesay, baron of Abircorne, directed to James Mathesoune as his bailie. Sasine given on the ground, 21 February 1487/8. Witnesses, William Hamilton, John Bulleck, Robert Mathesoune, John Durram, David Lanyday, Thomas Foulis and John Cuthquen. Notary, Robert Foulis.[1]

22 INSTRUMENT OF PROCURATORY by Helen, Marion, Margaret and Christina Fauside, daughters and heirs of the late Gavin Fauside of Scottistoun, constituting Helen Petcrew, widow of the late Gavin, their lawful procurator for selling on their behalf their lands of Mundeyn and *lie* Methiles, lying in the territory of Scottistoun, barony of Abircorne and sheriffdom of Linlithqw, to meet the expenses incurred by the said Helen in procuring sasine of the lands of Scottistoun for the said sisters from David, Lord Lyndesay of Byris, their lord superior. Done on the ground of the lands of Scottistoun, 21 February 1487/8. Witnesses as in No. 21, with James Mathesoun. Notary, Alexander Foulis.[2]

23 PROCURATORY OF RESIGNATION by Margaret and Marion Fawsyde, two of the daughters and heirs-portioners of the late Gavin Fawsyde of Easter Skottistoune and Helen Petcrew, his wife, in favour of James Levingstoune of Manerstoune and Elizabeth Skot, his wife, for infeftment in the six mark lands of Easter Skottistoune, lying in the territory of Skottistoune, in the barony of Abircorne and sheriffdom of Linlithqw. The procurators are Michael Richartsone, James Cokburne, John Gilfert, Matthew Huchone, Nicol Scot, Henry Scot and John Auchy. Resignation to be made in the hands of the superior, Lord Lyndesay of Byris. Dated at Edinburgh, 20 January 1497/8. Witnesses, John Mudy and Richard Mekle. Notaries, John Maldome, Andrew Russell, William Lumlye and John Bannatyne.

24 PRECEPT OF SASINE by Margaret and Marion Fawsyde in favour of James Levingstoun of Manerstoune and Elizabeth, his wife, of their six mark lands of Easter Skottistoune, excepting one particate, all as in No. 23. Dated at Edinburgh, 20 January 1497/8. Witnesses as in No. 23, with John Caldercheid.

25 INSTRUMENT OF SASINE in favour of James Levingstoune of Manerstoune in the six mark lands of Easter Skottistoune; following on precept of sasine by Margaret and Marion Fawsyde, all as in Nos. 23 and 24. Sasine given on the ground, 28 January 1497/8. Witnesses, Thomas Darram, Henry Skot, Gavin Wilsoun, John Lochkottis, William Talyour, Allan Brissoun, John Nelesoun, Robert Mungale, David Clerk, John Gibsoun and Thomas West. Notary, Robert Foulis.

26 (*Vernacular*) PRECEPT* OF SASINE by Patrick, Lord Lyndesay of the Biris, and baron of the barony of Abircorne, directed to his bailiffs, John Lyndesay, Archibald Durehame and William Lyndesay, to infeft John Levyngstoun, nephew of James Levyngstoun of Manerstoun, in half the lands of Manerstoun with the tower, fortalice and manor of the same, half the lands of Medhope, half of the mill of Abircorne, the whole lands of Cruderland and half the lands of Philpstoun, all lying in the barony of Abircorne and sheriffdom of Linlithqw. The precept is issued in obedience to the King's brieves of sasine, and is dated at Edinburgh, 23 March 1513/4.

[1] His name occurs on writs ranging from 1482 to 1538. He was town-clerk in (at least) 1496, 1508, 1536-8. From his property holdings in Linlithgow, he was apparently younger son of Alexander Foulis. (*MS. Linlithgow Writs.*)

[2] His name occurs on writs ranging from 1452 to 1496. Bailie of Linlithgow and commissioner to Parliament. (*MS. Linlithgow Writs*: *L.H.T.* and *A.P.S.*)

27. INSTRUMENT OF SASINE in favour of John Levyngstoun in the lands described in No. 26, following on precept of sasine in No. 26. Sasine given on the ground of the lands *successive* by John Lyndesay, bailiff for the superior, to David Drummond, attorney for the said John Levyngstoun, 24 March 1513/4. Witnesses, Mr. James Giffart, John Grinlaw, Patrick Nicoll, Thomas Smale, Andrew Browne, John Gibsoune and Alexander Elphinstoune. Notary, Robert Foulis.

28. CHARTER * by Patrick, Lord Lindesay of Byris, and baron of Abircorne, in favour of John Levingstoun, nephew and heir of the late James Levingstoun of Manerstoun, of half the lands of Manerstoun, half the lands of Westyr Byris, half the mill of Abircorne, the whole lands of Crouderland and half the lands and mill of Philpstoun, all lying in the barony of Abircorne and sheriffdom of Linlithqw.

The said lands and mills are held of the said superior in chief for service, ward, relief and marriage, except the principal manor of Manerstoun with 30 acres adjacent thereto which are held of the said superior in blench. Dated at Edinburgh, 2 March 1516/7. Witnesses, Sir John Lindesay of Petcruve, son and heir apparent of the said Lord Lindesay, John Lindesay, Mr. Thomas Bruyce, David Grundistoun, John Rankelo, John Wilsoun, James Gray and John Farny. (Signed) Patryk, Lord Lyndysay. Seal attached.

29. PRECEPT OF *Clare Constat* by Patrick, Lord Lindesay of Byris, and baron of Abircorne, directed to John Lindesay, Mr. Thomas Bruyce and John Farny, to infeft John Levingstoun, nephew and nearest heir of the late James Levingstoun of Manerstoun in the lands described in No. 28. Dated at Edinburgh, 3 March 1516/7.

30. INSTRUMENT OF SASINE in favour of John Levingstoun, as in No. 28, in the lands described in No. 28; following on precept of sasine in No. 29. Sasine given by John Lindesay on the ground of the subjects *successive*, 10 March 1516/7. Witnesses, Archibald Meldrum of Bynnis, Archibald Duram, Robert Hamiltoun, Matthew Grynlaw, Robert Gardenar, John Russall and Henry Cobburne. Notary, Walter Giege.

31. INSTRUMENT OF SASINE in favour of John Levingstoun, as in No. 30, in half the lands of Wester Byris, half the mill of Abircorne and the whole lands of Crowderland, all lying as in No 28. Bailiff, date, witnesses and notary as in No. 30.

32. INDENTURE between Alexander, Lord Levingstoun, and Agnes Douglas, his wife, on the one part, and John Levingstoun of Manerstoun on the other part. The said John obliges him to infeft the said lord and his wife in his lands of Alith, lying in the barony of Lintoun, regality of Dalketh and sheriffdom of Peblis; also in his lands of Philpstoun and Manerstoun, and after the death of Elizabeth Scot, widow of James Levingstoun of Manerstoun, in the lands of Scottistoun. The said lord obliges him to maintain in his household the said John with one servant and a boy and two horses, and to pay him 10 marks a year for his fee; after their infeftment in Manerstoun 10 marks of the profits of Manerstoun, all the profits of Philpstoun and Scottistoun, terced by Elizabeth Scot; and after her death 20 marks from the lands of Alith. Dated at Edinburgh, 12 November 1529. Witnesses, Mr. Robert Galbrath,[1] treasurer of the chapel royal, Robert Callender of Duratour, Henry Levingstoun[2] in Falkirk, Alexander Levingstoun of Grugfut, William Levingstoun, Mr. Alexander Robertsoun, chaplain, and Alexander Young and William Rutherfurd, notaries.

[1] Senator of the College of Justice 1537. (Brunton and Haig: *Senators of the College of Justice*, p. 57.)

[2] Ancestor of the Earls of Newburgh. (*Scots Peerage*, vi, p. 446.)

33. CHARTER by John, Lord Lindesay of Byrns, baron of Abircorne, in favour of Robert Gyb of the lands of Byrnns, lying in the barony of Abircorne and sheriffdom of Linlithqw, which formerly belonged to James Hammiltoun of Kincavill, and were forfeited to the King for heresy.[1] The charter is granted in obedience to the King's letter under the Great Seal, directed to the said Lord Lindesay, and is dated at Edinburgh, 20 July 1531. Witnesses, William Lyndesay of Pyotstoun, Mr William Thomsone, rector of Dalphintoun, Andrew Lindesay, Patrick Lindesay and Archibald Lindesay. (Signed: "Byrne, Lord Lyndsay." Seal attached.

34. PRECEPT OF SASINE by John, Lord Lindesay of Byrns, following on charter in No. 33, directed to John Wardlaw of Warristoun and Henry Wardlaw of Kilsaberoun, and dated at Edinburgh, 20 July 1531.

35. PROTEST by John Levyngstoun of Manerstoun, narrating that George Baird, official of the sheriffdom of Linlithqw, refused him a copy of the King's letters, for the execution of which the said George was sheriff. Done at Callender, 22 June 1536. Witnesses, James Levyngstoun, Robert Menteth, Patrick Makkall, Ninian Arroun, Alexander Drummond, Thomas Cuthbil, George Cuthbil, James Rob, Alexander Callender and sir George Mitchell, chaplain. Notary, Alexander Robertsone.

36. CONFIRMATION by James Hamiltoun of Manerstoun of letters of reversion granted by the late Sir James Hamiltoun of Fynart[2] to John Levingstoun of Manerstoun on the alienation by the said John of the north part of Manerstoun to the said Sir James; which letters had been placed in the keeping of the Black Friars of Striveling, taken from the a by Robert Bruce of Arnik and delivered to the said Sir James who kept them during his lifetime; and for his forfeiture the same were delivered to the King and reckleasly destroyed. Re grant of the said letters was made by the said James Hamiltoun to the said John Levingstoun. (The document is not signed nor dated; written *c.* 1540.)

37. INSTRUMENT narrating that John Gyb, son of Robert Gyb, body-servant of the King, appeared in the presence of John, Lord Lyndesay of Byrns, holding in his hands a charter containing a precept of sasine by the said lord in favour of the said Robert Gyb and Elizabeth Schaw, his wife, of the lands of Byrnns and Corslattis, the superiority of five merk lands of Philpstoun, the property of ten merk lands of Philpstoun with the mill thereof, and the superiority of two merk lands of Duntervye Crag, lying in the barony of Abircorne and sheriffdom of Linlithqw, formerly belonging to James Hammiltoun of Kincavill, holding of the said lord in chief, and now belonging to the King by reason of James Hammiltoun's escheat for heresy. The charter is granted in obedience to the King's letters under the Great Seal. The said John Gyb presented the King's letters and the charter containing the precept of sasine to the said lord, who thereupon with his own hand signed and sealed the charter. Done in the garden at Struthir, 4 June 1542. Witnesses, William Lyndesay of Piotstoun, Robert Lyndesay, William Meldrum, Andrew Lyndesay, John Smart, Robert Barclay, and sir Thomas Smyth, chaplain.[3] Notary, Thomas Waddirstoun.

38. OBLIGATION by David Reid, tenant in Bynnis, to deliver at the expiry of his lease to Robert Gyb of Carribbir all his "plenishing guids," namely, 8 plough oxen, 6 bolls of corn, 6 bolls of barley and 40 bolls of oats, all

[1] King's servitor; of Carribberis.
[2] Condemned in absence, 26 Aug. 1534. (Knox, *Hist.*, 501.)
[3] Executed for treason, 16 Aug. 1540.
[4] *R.M.S.*, iii, 2725.

of which formerly belonged to Sir James Hammiltoun of Fynnart and now to the said Robert Gyb. In token of his obligation the said David brought into the presence of the said Robert 6 plough oxen, and taking one by the horns delivered it to him. Done at Bynnis, 5 June 1543. Witnesses, Alexander Glen, bailie of Linlithqw, Matthew Hammiltoun in Philpstoun, John Hardye in Blakness, William Ker, John Rannald and James Gyb. Notary, Bartholomew Kello.[1]

39. CHARTER OF TACK by Robert,[2] commendator of the abbey of Holyrood near Edinburgh, and the convent thereof, with consent of Alexander,[3] abbot of Cambuskynneth, and for the time administrator of Holyrood, acting under an indult[4] of Pope Paul III, of date 22 August 1539, in favour of Alexander Bertilmo in Cauldcottis and William Berthilmo, his son, of a 19 years' tack of the lands of Cauldcottis now occupied by the said Alexander, lying in the regality and barony of Brochtoun and sheriffdom of Linlithqw. Paying therefor annually 10 marks and 12 pence and 30 capons. Dated at Holyrood, 14 July 1545.

Seal attached. (Signed) "Robert, commendator of Holyrood, Alexander, administrator thereof, Alexander Smethberd, Alexander Harkass, Hugo Lamb, John Bell, Thomas Ryblynton, William Heislop, George Broychtoun, Stephen Litstar, Archibald Lyndesay, David Gudsun, John Ramsay and James Abercrumby, canons of Holyrood."

40. FEU CHARTER by Robert, commendator of Holyrood near Edinburgh, and the convent thereof in favour of the parties as in No. 39 of the lands of Cauldcottis, lying between the lands of Manerstoun and Bynnis, Mureleis and Scottistoun on the east and south, the strip at Cowis burn running down to Blaknes, the lands of Waltoun and the burn running through the lands of Cauldcottis on the west and north, and the lands of Grugfut and the loch at Mureleis, called Fludder Dub, on the west and south. Reddendo: 10 pounds 6 shillings and 8 pence money Scots and 36 (*sic*) capons. The charter contains a precept of sasine directed to Robert Carmychaell, bailiff of the regality and barony of Brouchtoun. Dated at Holyrood, 20 July 1547. Witnesses, Robert Carmychaell, chamberlain of Holyrood, Robert Wyddirspune, provost of Linlithqw, sir James Dennestoun, chamberlain-depute, William Broun, James Dennestoun, burgess of Linlithqw, George Makesoun.

(Signed) "Robert, commendator of Holyrood, John Ramsay, prior, Alexander Smethberd, Alexander Harkass, Andrew Wilsoun, Hugo Lamb, Archibald Lyndesay, Stephen Litstar, James Abarcrumby, and David Gudsoun, canons of Holyrood."

Seal of Holyrood and the private seal of the commendator attached.

41. INSTRUMENT OF SASINE in favour of Alexander Bartilmo in Caldcoittis and William Bertilmo, elder,[5] his son and heir apparent, in the lands of Caldcoittis, following on charter in No. 40. Sasine given on the ground by Robert Carmychaell, bailiff of the regality, 31 July 1547. Witnesses, Mr. Bartholomew Kello, notary public, Richard Watistoun in Brouchtoun, Philip Quhytheyd in Park, James Thomesoun in Pardovyn, Andrew Meldrum in Blaknes, Richard Baldirstoun, baker and burgess of Linlithqw, George Makesoun, John Gardnair in Caldcoits, Henry Saultoun, baker in Linlithqw, John Wilsoun in Scottistoun and Henry Foulis,[6] notary public and burgess of Linlithqw. Notary, James Danyelstoun, priest.

[1] Notary in Linlithgow; bailie. (*MS. Linlithgow Writs.*)

[2] Robert Stewart, natural son of King James V by Euphemia Elphinstone.

[3] Alexander Mylne, appointed administrator of the non-age of the commendator.

[4] Authorising the granting of long leases and feus of Church lands.

[5] His son, William Bartilmo, younger, was portioner of Grougfoot. (Johnson: *Prot. Bk.* 933. Sc. Rec. Soc.)

[6] Notary in Linlithgow, town-clerk, sheriff-clerk, died 1561. (Foulis and Thownis: *Prot. Bk.* Sc. Rec. Soc.)

42 INSTRUMENT OF SASINE in favour of William Robesoune in Blakness in a rig of temple land and a garden lying between the lands of the chaplain at the chapel of the Blessed Virgin Mary[1] at the East Port of Linlithqw on the east, and the lands of Alexander Hathwy on the west, in the territory of Blakness and sheriffdom of Linlithqw; following on a charter by James, Lord St John, preceptor of Torphichine.[2] Sasine given on the ground by Thomas Boyd in Kippis, bailie for the said preceptor, 27 April 1558. Immediately thereafter the said William Robesone gave infeoffment sasine to his wife, Elizabeth Glen. Witnesses, John Falconar, John Hardie, Thomas Mestrum, Patrick Hardie and John Alexander. Notary, Nicolas Wawyet,[3] priest.

43 INSTRUMENT OF RESIGNATION by Patrick Crummy with consent of Elizabeth Hammiltoun, his wife, in favour of Mr Richard Strange as his procurator to resign in the hands of Patrick, Master of Lyndesay, as superior, the lands of Fisher Scottstoun with Murches and Flodderis, lying in the barony of Abercorne and sheriffdom of Linlithqw, for sasine to be given to Robert Carmichaell of Wychtrieland and Elizabeth Hammiltoun, his wife. Done at Linlithqw, 5 March 1558-9. Witnesses, Mr. John Robertsoun,[4] treasurer of Ross, David Newlandis,[5] James Brown in Dechmont, and Nicol Thownis,[6] notary public.

Elizabeth Hamilton's seal is attached. Patrick Crummy's is wanting.

44 CHARTER by Patrick, Master of Lyndesay, with consent of his father, John, Lord Lyndesay, in favour of Robert Carmichaell and Elizabeth Hammiltoun, his wife, in the lands described in No. 43. Dated at Edinburgh, 9 March 1558-9. Witnesses, Mr. Thomas Young, Mr. Richard Strang, Patrick Kynnynmonth of that Ilk, William Carmichall and John Robesone, notary public.

The seal of the Master is attached; the seal of Lord Lyndesay is wanting.

45 ASSIGNATION by Elizabeth Schaw, widow of Robert Gyb of Carribbin, in favour of her son James Gyb, of a decree granted in her favour by the sheriff of Linlithqw against George Hammyltoun,[7] brother of James Hammyltoun, formerly of Kincavill, and Agnes Murray his wife, and dated 13 May 1559. Assignation dated at Carribbin, 3 June 1559. Witnesses, John Schaw of Broich, Patrick Thomsoun, Thomas Glen, burgess of Linlithqw, John Glen in Lochcottis and William Edmestoun. Notary, Thomas Foulis.

46 INSTRUMENT OF SASINE in favour of John Sinclare, maltman, burgess of the Canongate, Marjory Kyle his wife, and James Sinclare, their son, in the lands of Caldcoittis, described in No. 40; following on charter containing precept of sasine by William Bartilmo of Caldcoittis with consent of his wife, Elizabeth Quhirtheid, directed to Alexander Bartilmo and James Abircrumbie, and dated at Caldcoittis, 21 April 1570. Witnesses to the charter, the said Alexander Bartilmo and James Abircrumby, canons of Halirudhous, William Bartilmo, son and heir apparent of the granter, Richard Bartilmo, also son of the granter, John Bartilmo, servant of the granter, Gilbert Bischop, maltman, residing in the Canon-

[1] Refounded by Henry Livingston of Mollibynning, 1496. (*R.M.S.* II. 2333.)

[2] James Sandilands, afterwards Lord Torphichen.

[3] Rector of Linlithgow Grammar School; fled from the country for his religious faith; first Abbot of Ratisbon. (J. King Hewison: *Winzet's Works*, introd. S.T.S.)

[4] Son of James Robertson, burgess of Linlithgow, and stepson of Matthew Hamilton of Milltoun. (See *Reg. Privy Seal*, vol. III.)

[5] Baillie of Linlithgow. (*R.M.S.* II. 1333.)

[6] Notary in Linlithgow, town-clerk, sheriff-clerk. (Foulis and Thownis: *Prot. Bks.*, introd. Soc. Rec. Scot.)

[7] Slain in June 1560. (Col. G. Hamilton: *The House of Hamilton*, p. 525.)

gait, and James Logane, notary public. Sasine given on the ground by Alexander Bartilmo, bailiff aforesaid, to the said John Sinclare and to Gilbert Bischop, attorney for the said Marjory and James, 21 April 1570. Witnesses to sasine, the said James Abercrumby, canon, William and Robert Bartilmo, sons of the granter, and John Bartilmo. Notary, James Logane.

47. CHARTER by James Sandilandis, Lord of Torphichin, in favour of Alexander Robertsoun, son and nearest heir of the late William Robertsoun in Blaknes, of the lands in Blaknes described in No. 42; containing precept of sasine directed to John Falconar. Dated at Dundas, 16 July 1571. Witnesses, Walter Malvile, John Brown and Thomas Bynnyng, servants of the granter. (Signed) "James Lord of Torphichen." Seal wanting.

48. CHARTER by Adam,[1] bishop of Orkney and Zetland, and commendator of the Abbey of Holyrood near Edinburgh, and the convent thereof, of the order of St. Augustin, in favour of William Bartilmo, younger, son and heir apparent of William Bartilmo of Caldcoittis, and Agnes Michelsoun, his promised wife, of the lands of Caldcoittis, described in No. 40, which were resigned at Leith by staff and baton by the said William Bartilmo, elder, with reservation of his liferent in the said lands, and of the liferent of Elizabeth Quhitheid, his wife, in one half of the said lands, should she survive him. Reddendo: as in No 40. The charter contains a precept of sasine directed to Philip Quhitheid and Nicol Thownis. Dated at Leith, 7 February 1571/2. Witnesses, Mr. Alexander Chalmer, vicar of Barre, Walter Callendar and Robert Gourlay, servants of the granter, James Logane and Alexander Lawsoun, notaries public. (Signed) "Adamus episcopus Orchadiæ et Zetlandiæ ac commendatarius perpetuus monasterii S. Crucis prope Edinburgum."
Seal of the monastery attached.

49. INSTRUMENT OF SASINE in favour of William Bartilmo, younger, and Agnes Michelsoun, his promised wife, in the lands of Calcoittis, following on charter in No. 48; in implement of the marriage contract between the father and son on the one part, and Alexander Michelsoun of Mortoun, Christian Hammiltoun, his wife, and the said Agnes, their daughter, on the other part, of date . . . January 1571/2. Sasine given on the ground by Philip Quhitheid of Kincavill Park, bailiff for the superior, 8 Feb. 1571/2. Witnesses, John Cornwell and Henry Saltoun, burgesses of Linlithqw, James Hammiltoun of Wilcoksholme,[2] George Quhitheid, son of the said Philip, the said Alexander Michelsoun, and Nicol Thownis, notary public. Notary, Alexander Lawsone.

50. INSTRUMENT OF SASINE in favour of Alexander Robertsoun in Blaknes, following on charter in No. 47. Sasine given on the ground by John Falconar, bailiff for the superior, 20 February 1571/2. Witnesses, Thomas Meldrum, Alexander Gibsoun and Henry Luke, dwelling in Blaknes. Notary, Nicol Thownis.

51. INSTRUMENT OF SASINE in favour of Alexander Stewart of Scottistounhill and Elizabeth Hammiltoun, his wife, in the lands of Bynnis, lying in the barony of Abircorne and sheriffdom of Linlithqw; following on charter of sale by James Hammiltoun of Kincavill, dated at Blaknes, 21 July 1572. Witnesses, John Flemyng of Boghall, Gilbert Balfoure of Westray, John Forrest,[3] bailie of Linlithqw, John Hammiltoun, son of

[1] Adam Bothwell. (Dowden: *Bishops of Scotland*, p. 267.)
[2] Natural son of Gavin Hamilton of Drummalin, and nephew of James Hammilton of Kincavil.
[3] Son of Henry Forrest, first provost of Linlithgow.

the said James, Henry Tosch and Nicol Thownis, notary public. Sasine given on the ground by William Bartilmo, elder, of Caldcottis, bailiff for the said James Hammiltoun, 23 July 1572. Witnesses, Patrick Thownsone in Maneriston, Bartholomew Marshall in Hathornesike, John Fairnear in Blackness, Thomas Melldrum and Robert Wauss. Notary, Nicol Thownis.

52. INSTRUMENT OF SASINE in favour of Lady Jean Hammiltoun of Eastwod,[1] daughter of James, Duke of Chatelleraulte, Earl of Arane and Lord Hammiltoun, in the lands of Hynnes, as described in No. 51; following on charter of sale containing precept of sasine, granted by Captain Alexander Stewart of Scottistounhill, captain of Blakness Castle, and Elizabeth Hammiltoun, his wife, and dated at Scottistounhill, 7 January 1574/5. Witnesses to charter, James Hammyltoune of Bornye, David Dundas of Priestsenche, Gavin Hammyltoune and James Muirheid, servants of the said lady, John Ker, servant of the said captain, and Andrew Ker, notary public. Sasine given on the ground by the said David Dundas, bailiff for the said captain, 7 January 1574/5. Witnesses to sasine, James Hammyltoun of Bornye, Gavin Hammyltoun, James Muirheid and John Ker. Notary, Andrew Ker.[2]

53. PREMUNITION by James Loverance, procurator for Lady Jean Hammiltoun, as in No. 52, to Gavin Carmichaell, son and heir of the late Robert Carmichaell of Wrychtland, to compear in the parish kirk of St. Giles in Edinburgh on the 31 of March 1575 to receive from the said lady the sum of 1100 merks in redemption of the lands of Scottistounhill, Mureless and Fledders, lying in the sheriffdom of Linlithqw, in terms of a contract between the late Robert Carmichaell on the one part and James Hammiltoun of Kincavil and James Hammiltoun, his son, on the other part. Done in the fore chamber of the lodging of the notary in St. Andrews, 10 February 1574/5. Witnesses, Mr. Robert Hammiltoun, rector of the University of St. Andrews, Mr. Adam Mitchell and Thomas Kynnear. Notary, John Bonkil.

54. (*Vernacular.*) ASSIGNATION by John Sinclare, maltman, burgess of the Canongatt, for his own interest and as administrator for James Sinclare, his son by the late Marjory Kyle, his wife, in favour of Alexander Bruce of Airth, of all maids and duties resting owing to them from the lands of Caldcottis, as described in No. 40. Dated at Edinburgh, 12 July 1579. Witnesses, Robert Bruce, brother to the said Alexander, James McClellane, his servant, and Moses Sinclare. (Signed) "John Sinclare and James Sinclare with their hands led at the pen."

55. CHARTER by William Bartilmo, elder, and William Bartilmo, younger, his son, in favour of Alexander Bruce of Airth, conveying the reversion of the lands of Caldcottis, described in No. 40; containing precept of sasine directed to Alexander Muir of Skaythmuir, dated at Linlithqw, 20 July 1580. Witnesses, Patrick Sellar of Kowhill,[3] John Cornwell, John Hammiltoun in Pantree, burgesses of Linlithqw, Nicol Thownis and Andrew Ker, notaries public, and Henry Thownis, natural son of the said Nicol. (Signed) "William Bartilmo, elder, with my hand led at the pen by Andrew Ker, notary: William Bartilmo with my hand."

56. INSTRUMENT OF SASINE in favour of Alexander Bruce of Airth in the lands of Caldcottis, described in No. 40; following on charter in No. 55. Sasine given on the ground by Alexander Muir of Skaythmuir, bailiff

[1] She married 1554/5 Hugh, Earl of Eglinton. The marriage was annulled in 1562. She was granted a charter of Eastwood, 24 Oct. 1562. (*R.M.S.*, IV, 1444.)

[2] Notary, town clerk and sheriff clerk of Linlithgow. (*Linlithgow Writs MS.*)

[3] Bailie of Linlithgow, 1573 to 1607. (*Ibid.*)

for the granters, 18 October 1580. Witnesses, Mungo Hammiltoune of Humbie, Mr. Robert Bruce, son of the said Alexander, William Bell in Gruigfute, and Donald Gillaspie in Champanie. Notary, Andrew Ker.

57. EXTRACT from the minutes of the proceedings of the baron court of Abircorne, held at Newtoun, 17 and 31 May 1581 and 4 April 1583; dealing with the non-entry of the lands of Bynnis and Corslattis, Philpstoun and mill, Duntervey Crag and Dogland. Patrick, Lord Lyndesay, had gifted the non-entry to David Dundas of Preistisinche, who raised an action for dues against James Gyb of Carribbir, son and heir of the late Robert Gyb of Carribbir and Elizabeth Schaw, and against James Hammyltoune of Levingstoune, son and heir of the late James Hammyltoune of Kingcavill, and their tenants. The said Elizabeth Schaw, surviving her husband, died in June 1559 (*sic*), and the said James Hammyltoune of Kincavill in December 1571.

58. PRECEPT OF SASINE by James Sandilandis of Calder, Lord Torphichen, with consent of Henry Stewart, younger of Cragyhall, his tutor, directed to James Polwart of Coustoun, bailiff of the templelands in the sheriffdom of Linlithqw, to infeft Alexander Robesoune, son of the late William Robesoune, as heir to his father in the lands in Blaknes, described in No. 42. Reddendo: 6 pence Scots yearly. Dated at Calder, 20 July 1584. Witnesses, Thomas Huntlie, James Lekkie and William Buchquhannan, servants of the granter, and Mr. John Brown, his pedagogue. (Signed) "Hare Stewart younger of Craigehall, tutor of Calder and Torphechane."

Seal of Henry Stewart attached, much defaced.

59. CROWN CHARTER OF CONFIRMATION of the charter by Robert, commendator of Holyrood, in No. 40, under the Testimony of the Great Seal.[1] Dated at Halruidhous, 8 December 1586. Witnesses, John, Lord Hammilton, commendator of Abirbrothok, Archibald, Earl of Angus, Lord Douglas and Abirnethie, Patrick,[2] archbishop of St. Andrews, Walter,[3] prior of Blantyre, keeper of the Privy Seal, Sir John Maitland of Thirstane (*sic*), secretary, Alexander Haig of Eister Kennet, clerk-register, Sir Ludovick Ballenden of Auchnoule, justiciary-clerk, and Mr. Robert Scott, director of chancery. Quarter seal attached.

60. LIFERENT SASINE *propriis manibus* by Alexander Robesoune in Blaknes in favour of his wife, Margaret Crawfurd, in the lands in Blaknes described in No. 42. Done on the ground, 17 July 1587. Witnesses, Patrick Hathwie in Blaknes, Thomas Powis, there, and Henry Hammyltoune in Philpstoune. Notary, Nicol Thownis.

61. PROCURATORY by Gavin Carmichaell of Wrychtisland for resignation of the lands of Scottistounhill, Mirreleis and Fluderis, in the hands of Lord Lyndesay of Byris, superior thereof, for new infeftment in favour of Alexander Stewart of Brighous and Elizabeth Hammiltoun, his wife. Done at Linlithqw, 28 August 1591. Witnesses, James Polwarth of Coustoun, Robert Stewart,[4] bailie of Linlithqw, and Andrew Ker, notary public. The witnesses subscribe along with the granter. Seal wanting.

62. APPRISING of the lands of Caldcoittis, described in No. 40, under precept of Lord Claud Hammiltoun, commendator of Paislay, and sheriff principal of Linlithqw, following on decree, dated 21 May 1590, in favour of Sir Alexander Bruce of Airth in an action raised by him against William Bartilmo of Caldcoittis for repayment of a bond of £9000 Scots on the

[1] The Quarter Seal. [2] Patrick Adamson. [3] Walter Stewart.

[4] Belonged to Rutherglen; "Cornet of H.M. Guard"; bailie, 1590 to 1608; provost, 1609 to 1615. (*Linlithgow Writs MS., and epitaph in Linlithgow Parish Church.*)

said lands. Executed by Mungo Strethearne, messenger, 23 May 1592. Andrew Ker, sheriff clerk. Seals of some members of the inquest attached.

63. CHARTER by James Bellenden of Brochtoun, baron of the barony thereof, with consent of Lady Margaret Levingstoun, his mother and tutrix testamentary, in favour of Sir Alexander Bruce of Airth of the lands of Caldcoittis, described in No. 40, and now apprised from William Bartoune, containing precept of sasine directed to William Thomsoune. Dated at Glasgow, 20 April 1593. Witnesses, Mr. John Blakburne, Mr. Patrick Robertsoune, Donald M'Olvorie and John Gillespie. (Signed) "Jacobus Bellenden de Brochtoun, Margaret Levingstoun," and by the first three witnesses. Seal of granter attached.

64. CHARTER by Robert Hammilteun of Wraa, with consent of Elizabeth Hammilteun, his wife, in favour of Alexander Drummond[1] of Midhop and Margaret Bruce, his wife, of an annual rent of 52 bolls of grain, viz., 12 bolls of wheat, 20 bolls of barley and 20 bolls of oatmeal, from the lands and mains of Mancestoun, lying in the sheriffdom of Linlithqw, which he holds of James Hammilteun[2] of Libertoun, his brother, with the lands of Wraa in special warrandice. Dated at Wray, 12 May 1593. Witnesses, John Moubray, rector of Eglismachan, Moses Wauss, servant of the said Alexander, and William Falconer. (Signed) "Robert Hamylton of Wraye, and John Moubray, witnes, Moyses Vauss, witnes." Seal wanting.

65. INSTRUMENT OF SASINE in favour of Sir Alexander Bruce of Airth in the lands of Caldcoittis; following on charter in No. 63. Sasine given on the ground by William Thomsone, now in Calcoittis, bailiff for the superior, to John Bruce of Kincavill, attorney for the said Sir Alexander, his father, 8 November 1593. Witnesses, Robert Gyb, servant of the said Sir Alexander. Philip Quhitheid, apparent of Kincavill Park, and John Reid in Kincavill. Notary, Andrew Ker.

66. (*Vernacular.*) FEU CHARTER by the Burgh of Linlithqw in favour of Margaret Crawfurd, widow of Alexander Robertsoun, in liferent and their son, David Robertsoun, in fee, of a little house and yard lying at the north end of their rig in Blaknes, in the sheriffdom of Linlithqw, which house and yard stand on the property of the burgh, and were built and planted by her and her late husband. Reddendo: £4 Scots composition and a feumail of 40d. yearly, with restriction of the right to dispone the house and yard without permission from the burgh. Written by Robert Ker, son of Andrew Kar, common clerk of Linlithqw, and dated at Linlithqw, 2 December 1595. (Signed) "N. Cornwell,[3] provost, Patrick Sellar,[4] bailye, James Hamiltoun,[5] bailie, William Kaa, bailye, Andrew Ker, thesaurer, James Hamyltoun, James Park, Henri Ret, William Willsoun, Jerome Duncane, John Robertsone, Richard Gibesone, John Adamsoune, [councillors]." The last four signatories could not write. Privy seal of the Burgh attached.

67. PRECEPT OF *Clare Constat* by James Tennand of Linhous, commissioner for James, Lord Sandilands of Calder, Lord Torphechin, in virtue of a commission dated at Edinburgh, 29 July 1596; directed to William Bell, burgess of Linlithqw, bailiff of the templelands, to infeft Patrick Robertsoune, son of the late Alexander Robertsoune and Margaret Crawfurde, in the templelands in Blaknes, described in No. 42, with reservation

[1] Son of Alexander Drummond of Carnock and Marjory, sister of Robert Bruce of Auchinbowie.
[2] Grandson of Sir James Hamilton of Finnart.
[3] Nichol Cornwall of Bonhard.
[4] Patrick Sellar of Cowhill.
[5] James Hamiltoun of West Port.

of liferent to the said Margaret. Reddendo 6d. Scots to the superior and 8s. to the chaplain of the altar of All Saints, situated in the Parish Church of Linlithqw. Dated at Linhous, 14 September 1597. Witnesses, Alexander Lawsoune, writer of the deed, Simon Purdy and Adam Aikman, servants of the granter. (Signed) "Ja. Tennand, commissionarius." Seal wanting.

68. INSTRUMENT OF SASINE in favour of Patrick Robesoune as in No. 67; following on precept in No. 67. Sasine given on the ground, 5 October 1597. Witnesses, John Houstoun, servant of John Cuninghame, constable of Blaknes, Thomas Robertsoun and John Gibsoun in Blaknes. Notary, Alexander Lawsone. (The Instrument is written on paper.)

69. EXTRACT REGISTERED CONTRACT OF ALIENATION between James, Lord Lindesay of the Byris, baron of the barony of Abircorne, Dame Euphemia Lesly, his wife, and John, Master of Lindesay, his eldest son and heir apparent, on the one part, and Sir William Levingstoun of Kilsyth on the other part, whereby the said Lord has sold to the said Sir William the lands of Manerstoun with the tower, fortalice and manor-place thereof, the lands of Bynnis and Croceflattis with the manor-place thereof, the lands of Scottistounhill *alias* Eistit Scottistoun with the lands of Fluderis and Mirrieleis, with the proper moor thereof and commonty of the moor of Abircorne and Duntarvie Myre; all lying within the barony of Abircorne and sheriffdom of Linlithqw; and binds himself to grant a charter of the whole lands to be erected into the tenandry of Bynnis to the said Sir William; to be held of the said Lord in blench for payment of one penny yearly, if asked for; and assigns to the said Sir William the reversion of the wadset made by the said Lord to the late Mr. John Lindesay of Balcarres in liferent and to David Lindesay, his second son, in fee, whom failing to Alexander Lindesay, his third son, on the lands of Bynnis, etc., for 10,000 marks; dated at Dudingstoun and Leith, 19 and 20 July 1598; and also the reversion of a wadset made by the said Lord to George Drummond in Westir Scottistoun, on the lands of Mirreleis, for 1000 marks; dated at Edinburgh, 22 November 1598. The said Sir William binds himself to pay to the said Lord the sum of 45,000 marks. Contract dated at Dumfermling and Edinburgh, 10 April and 28 May 1599. Witnesses, Mr. Robert Leirmonth, advocate, John Robertsoun, his servant, David Dundas of Preistinche, Mr. Alexander Inglis and John Stewart, servants of the said Lord, Andrew Bell, servant of the said Sir William. Registered in the Books of Council, 12 June 1599.

70. OBLIGATION by James, Lord Lindesay of Byris, and his eldest son to deliver in terms of the contract of sale in No. 69 to Sir William Levingstoun of Kilsyth all contracts and writs therein mentioned. Dated at Dumfermling, 10 April 1599. Witnesses as in No. 69.

71. CHARTER by James, Lord Lindesay of Byris, baron of the barony of Abircorne, and John, Master of Lindesay, his eldest son, with consent of Dame Euphemia Leslie, wife of the said Lord, in favour of Sir William Levingstoun of Kilsyth, of the lands of Bynnis, etc., following on contract of sale in No. 69; containing precept of sasine directed to John Levingstoun of Baldoran. Dated at Edinburgh, 7 June 1599. Witnesses, Mr. Robert Leirmonth and Mr Alexander Levingstoun, advocates, and Inglis, Stewart and Robertsoun as in No. 69. (Signed) "James Lindesay, Euphemia Leslie, J. M. Lindesay," and the witnesses.

Seals of Lord Lindesay, the Master of Lindesay and Dame Euphemia Leslie attached.

72. INSTRUMENT OF SASINE following on charter in No. 71. Sasine given on the ground of Bynnis, 7 September 1599. Witnesses, Mr. Alexander

Levingstoun, advocate, James Levingstoun, son of the late James Levingstoun in [illegible], John Stougall, servant of the said Mr. Alexander, and Peter Mawbray in Maryestoun. Notary, Andrew Ker.

73. EXTRACT REGISTERED DISCHARGE by George Drummond in Wester Scottistoun in favour of Sir William Levingstoun of Kilsyth, in respect of the payment of 1,888 marks in redemption of the lands of Murieleis, under the wadset described in No. 69. Dated at Edinburgh, 1 December 1599. Witnesses, Mr. Robert Leirmonth, advocate, John Robertsoun, his servant, Thomas Barbour, writer, Mr. George Orme, tutor of Mugdrume, and Samuel Wodrow, burgess of Edinburgh. Registered in the Books of Council, 30 June 1600.

74. EXTRACT REGISTERED DISCHARGE by David Lindesay, second son of the late Mr. John Lindesay of Balcarres, with consent of his tutor, Alexander, Lord Lyvie, President of the College of Justice, in favour of Sir William Levingstoun of Kilsyth, in respect of the payment of 16,000 marks in redemption of the lands of Byunis, etc., under the wadset described in No. 69. Dated at Edinburgh and Dunfermling, 12 and 13 June 1600. Witnesses, Mr. George Seytoun, tutor of Meldrum, William Inglis, Mr. James Raith, Magnus Aytoun, Robert Wymame, James Kinghorne, clerk of Dunfermling, Mr. Alexander Levingstoun, advocate, and John Stougall, writer of the discharge. Registered in the Books of Council, 18 June 1600.

75. MINUTES OF RETOUR of Sir John Bruce of Airth, as heir to his grandfather, the late Sir Alexander Bruce of Airth, in the lands of Caldcoittis, held of Sir James Bellenden of Brochtoun for the feumail as in No. 40, and the doubling thereof at the entry of every heir. Done at Edinburgh in the Tolbooth there, 18 June 1601. Extracted from the Books of Chancery.

76. COPY of PRECEPT OF *Clare Constat* by Sir James Bellenden of Bruchtoun, directed to Mr. Archibald Wilkie, bailiff-depute of Bruchtoun, to infeft Sir John Bruce as in No. 75, in the lands of Caldcoittis, described in No. 40. Dated at Canongate, 18 February 1603. Witnesses, William Bellenden, brother of the granter, John Graham, his servant, James Fogo, servant of Alexander, Lord Elphingstoun, William Gillespie, servant of the said Sir John, and Andrew Cowie, notary public.

77. INSTRUMENT OF SASINE in favour of Sir John Bruce of Airth in the lands of Cauldcoittis, following on precept of sasine in No. 76, and also in 5 oxgangs of Airth in the barony of Kers, regality of Bruchtoun and sheriffdom of Striveling. Sasine given on the ground of Cauldcoittis by Mr. Archibald Wilkie, bailiff for the superior, to William Gillespie, attorney for the said Sir John, 29 May 1603; and on the ground of the 5 oxgangs of Airth, 31 May 1603. Witnesses in Cauldcoittis, William Wad in Elphinstoune, James Sympsoun in Cauldcoittis, John Mowbray, John Coyill, Thomas Aitkin and William Gibsoun; and in Airth, Mr. Henry Laing, minister there, John Arnot, Robert Hodge, James Dalrumple, sergeant, indweller in Airth, Arthur McGoune and David Mitchell, servants of the said Sir John. Notary, Andrew Cowye.

78. EXTRACT REGISTERED CONTRACT between John, now Lord Lindesay of Byris, with consent of Dame Annas Oliphant, his wife, on the one part, and Sir William Levingstoun of Kilsyth on the other part, confirming the contract of sale of Byunis, etc., in No. 69. Dated at Edinburgh, 15 July 1603. Witnesses, Mr. Robert Leirmonth, James Kay, writer, Mr. John Dempster and Mr. Alexander Levingstoun, advocates, and James Skene, servant to the said Mr. Robert Leirmonth. Registered in the Books of Council, 19 July 1603.

79. CHARTER by John, Lord Lindesay of Byres, with consent of Dame Annas Oliphant, his wife, in favour of Sir William Levingstoun of Kilsyth, of an annualrent of 24 chalders of victual, viz., 4 chalders of wheat, 10 chalders of barley and 10 chalders of oatmeal, of the firlot of Edinburgh, from the lands and barony of Byres and the lands of Deynis, in special warrandice of the lands of Bynnis, etc., as in No. 69; containing a precept of sasine directed to Mr. Alexander Levingstoun, advocate. Dated at Edinburgh, 15 July 1603. Witnesses as in No. 78, with the addition of Mr. Richard Skene, writer, and excepting Dempster. (Signed) "J. Lyndesay" and the 5 witnesses. Seal wanting.

80. CHARTER by James, Earl of Arrane, with consent of John, Marquess of Hammiltoun, his brother and tutor, and of Margaret, Countess of Cassilis, wife of the said Marquess, in favour of John Hammiltoun[1] of Grange, of the lands of Stakkis, Litill Carriddin and Dyaland. Reddendo 19 marks feuferm and 6/8 augmentation; containing precept of sasine directed to Richard Falconer in Borrowstounes. Dated at Hammiltoun and Braidwyik in Arrane, 10 March 1604. Witnesses at Hammiltoun, Mr. Peter Kennewie,[2] pedagogue of Lord Evene, Mr. Alexander Hammiltoun of Kinglas, John Robertoun, writer, and Bartholomew Robertoun, his son; and at Braidwyik, John Johnston and Thomas Litilljohn. (Signed) "J. Hammiltoun" and the witnesses. Seal wanting.

81. INSTRUMENT OF SASINE in favour of John Hammiltoun of Grange, following on charter in No. 80. Sasine given on the ground of the lands *respective* to John Hendersoun in Muirhous, attorney for the said John, 12 June 1604. Witnesses at Litill Carriddin, William Craig, coal-grieve of Carriddin, Thomas Saltone, baker, burgess of Linlithqw, and Thomas Knox in Litill Carriddin; at Stakkis and Dyaland, the said Thomas Knox, Allan Gibsone in Murhous, Allan Knox, there, and George Wilsoune in Law. Notary, Andrew Ker.

82. INSTRUMENT OF SASINE in favour of Sir William Levingstoun of Kilsyth, following on charter in No. 79. Sasine given on the lands of Deynes and at the tower of Byres *successive*, 10 January 1606. Witnesses at Deynes, John Johnstoune, portioner of Deynes and bailie of the town of Watter (of) Leith, William Charterhous, servant of Mr. Alexander Levingstoun, Richard Skougall, servant of Mr. George Munro, son of Mr. George Munro, chancellor of Ross, and John Innes, servant of Matthew Tod, stabler, burgess of Edinburgh; and at Byris, in addition to Charterhous, Skougall and Innes, James Smyth, dwelling in Byris, and David Smyth, his son. Notary, Mr. Daniel Muirheid.

83. COPY of ASSIGNATION by Thomas Dalyell of London, servant of the Rt. Hon. Edward, Lord Bruce,[3] Master of the Rolls, in favour of John Smith, alderman of London, of his lease which he holds of Alderman John Leman of a house with a garden plot lying in Fetter Lane towards the Fleet, and extending from the street to the brick wall of the Rolls Garden. Dated at London, 5 December 1606. Seal wanting.

84. DISPOSITION by Sir John Bruce of Airtht with consent of Dame Margaret Elphingstoun, his wife, of the lands of Caulcoittis, described in No. 40, formerly belonging to Sir Alexander Bruce of Airtht, his grandfather, in favour of Sir John Hammyltoun of Grange. Written by Patrick Maine, servant of Robert Ker,[4] sheriff and town clerk of Linlythqw, and dated at Linlythqw, 10 November 1607. Witnesses, John Gib, and William

[1] Son of John Hamilton of Grange and Janet (Jean) Robertson.
[2] Son of Mr. Patrick Kinloquhy (Kennewie), first Protestant minister of Linlithgow.
[3] Thomas Dalyell married Janet, natural daughter of Lord Kinloss.
[4] Son of Andrew Ker in No. 52.

Gillespie, servants of the said Sir John Bruce, Gilbert Mure, burgess of Linlythqw, and the said Robert Ker and Patrick Maine. (Signed) "J. Bruce of Arbit, Margaret L. Arth, Sir Jhone Hammiltoune of Grange, and the witnesses."

85 CHARTER by Sir John Bruce of Arbit with consent, etc., following on disposition in No. 84. Reddendo to William Bellenden of Bruchtoun, the superior, £10 [illegible] and 3s. 4d. capons; containing precept of sasine directed to James Hammiltoun at the West Port of Linlythqw. Writer, date, place, witnesses and signatures as in No. 84. Seal wanting.

86 CHARTER, duplicate of No. 85.

87 (Transumpt.) PROCURATORY OF RESIGNATION by Sir John Bruce of Arth of the lands of Cahicottis in the hands of the superior, William Bellenden of Bruchtoun, for sasine to be given to Sir John Hammiltoun of Grange. Writer, date, place, witnesses, and signatures as in No. 84. Seal wanting.

88 INSTRUMENT OF SASINE in favour of Sir John Hammiltoun of Grange, following on charter in No. 85. Sasine given on the ground, 16 November 1607. Witnesses, Alexander Hammiltoun of Byrning, James Kalleg, King's messenger, and Robert Thomesoun, servant of the bailie. Sasine to be registered within 40 days. Notary, Robert Ker.

89 DISCHARGE by William Dick[1] in favour of Thomas Dalyell:—

Brother Thomas Dayell, Pleis you to understand that Mr. Thomas Gilbert, the beirar heroll, hes delivertit to me the thrie hundrethe pundis sterling in gold quhilk ye appoynted him to delyver to me, and this soume he hes delyveret to me the first houre that we met togidder, als hornestly as any man can doe. Swa the Lord be with you. Pareis, the 16 of Marthe 1610 yeirs. Yourris, brother, (Signed) "Williame Dick."

This soume abonwrytten is thrie hundrethe pundis sterling money." (Signed) "William Dick."

90 LETTER OF EXCHANGE by William Dick:—

"Laus Deo Semper; the 5 of June 1610.

Brother Thomas Dalyell, Pleis you pay be this my only ane letter of Exchaynge upoun thrie dayis sycht to Sir James Foullertoun, knycht, gentilman of His Majesties Pryvie Chamber, the soume of fyftie markis sterling and that for the lyk soume of 400lb. Scottis, ressayvit be me fra Mr. Archibal Aychesone, advocat, in his nayme, and in caice ye fayvie I obleis me be thir presentis to pay the soume of fyftene schillingeis for every testoun. My letter of advyse send with my Lord Burley will revelie you how I revil in thir effayrris for George Bruce and me. Swa mak provin payment as ye love my credeit of the 83lb. 6s. 8d. for my Lord Burley, as also of this 33lb. 6s. 8d.[3] as my letter of advyse will inform you, bat not of this last soume becaus it is but lattely ressayvit. Yourris, Brother, at command." (Signed) "Williame Dick."

"For 33lb. 6s. 8d. sterling: 400lb. Scottis, I pray you, Brother, adverteis me with the first occasione when thir soumes is payit that I may reter my obligatione." (Signed) "Wm. Dick."

"Receaved by me the soume abone specified of three and thretti pounds six shillings eight pence from Thomas Dalyell by virtue of this letter of exchange abonewretten. Witnes my hand this 14th of June 1610." (Signed) "J. Fullertone."

[1] Afterwards Sir William Dick of Braid, Lord Provost of Edinburgh 1638 to 1640.
[2] Michael, first Lord Balfour of Burleigh.
[3] At this period the ratio of Scots money to English sterling was as 12 to 1.

91. LETTER OF EXCHANGE :—

"Laus Deo Semper, Edinburgh, the 5 of June 1610.

Brother Thomas Dalyell, Pleis you to pay be this my only ane letter of exchaynge to Michaell, Lord Balfour of Burley, upoun aucht dayis syicht the soume of foure scoir thrie pundis sex schillingeis aucht penneis Inglis sterling money, and that for the lyk soume of ane thousand pundis Scottis money receyvit be me fra his Lordship heir, as my letter of advyse will shaw you at lenthe, quhilkis his Lordship must delyver to you befoir the payment heiroff, and giff ye failyie in payment I obleis me to pay to his Lordship and his doeris fyfteyne schillingis for every testoun that sall not be delyverit. Swa the Lord be with you ever and Youris. Yourris, Brother, at command. (Signed) "Williame Dick."

"This is for George Bruce his accompt in his absence and he hes appoynted me to draw thrie hundrethe pundis sterling moir upoun you. For 83lb. 6s. 8d." (Signed) "Williame Dick."

"I, Michel, Lord Balfour of Burley, grantes me to have resavet this soume abonementionet in this letter of exchange. In witnes quharoff I have wretting and subscryvid thir presentes with my hand, at London, the 11 of June." (Signed) "Balfour. J. Andersone, witnes."

Endorsed: "To his loving and specyall Brother, Thomas Dalyell in the Rolls with my Lord of the Rolls."[1]

92. LETTERS OF LEGITIMATION under the Great Seal[2] in favour of Janet Bruce, natural daughter of the late Edward, Lord Bruce of Kinloss. Dated at Edinburgh, 21 May 1611. Seal attached (fragment).

93. BOND OF RELIEF by Thomas Dalyell, indweller in Edinburgh, and his cautioners, Sir George Bruce of Carnok, Alexander Hammiltoun of Bynnie, George Hammiltoun of Blakburne and James Prymrose of Futhies Mill, in favour of William Dick, merchant, who was cautioner along with those foresaid for the said Thomas Dalyell in an obligation to pay 26,000 marks to Sir William Levingstoun of Kilsyth, one of the Senators of the College of Justice. Dated at Edinburgh, 21 August 1612.

94. EXTRACT REGISTERED CONTRACT between Sir William Levingstoun of Kilsyth, one of the Senators of the College of Justice, and Thomas Dalyell, indweller in Edinburgh, and Janet Bruce, his wife, whereby the said Sir William with consent of Sir William Levingstoun of Dernechester, his son and heir apparent, and of Dame Antenoeta de Bord, wife of the principal, and of Dame Anna Flemyng, wife of his said son, sells for the sum of 38,000 marks paid by the said Thomas Dalyell and his wife the lands of Manerstoun, etc., as in No. 69. Written by Daniel Melville, servant of Adam Lawte, writer, in his writing booth in Edinburgh, and dated, 10 September 1612. Witnesses, Alexander Levingstoun, son of Mr. Alexander Levingstoun, advocate, James Galbraith, William Thomsone and John Holmes, servants of Kilsyth, and John McAddame, servant of Dalyell. Registered in the Books of Council, 19 June 1623.

95. CHARTER by Sir William Levingstoun of Kilsyth, with consents, etc., following on contract in No. 94. Reddendo 1d. blench. Dated at Kilsyth, 10 September 1612. Witnesses as in No. 94. (Signed) "Kilsayth, W. Levingstoun, Antointe de Borde, Anna Flemyng," and the witnesses. Seal attached.

[1] The Keeper of the Rolls was Edward Bruce, first Lord Kinloss. Thomas Dalyell was his deputy and his son-in-law. Lord Kinloss died 14 Jan. 1611. (*Scots Peerage*, III, 475.)

[2] Recorded in the *Reg. of Privy Seal*, vol. 80, f. 1.

96 RESIGNATION by Sir William Levingstoun of Kilsyth in favour of Thomas Dryden and Janet Hiere, his wife, of "the de cullit Manerstoun, lie lowsled within the kirk of Abircorne." Place, date and witnesses as in No. 94. (Signed) "Kilsayth" and the witnesses.

97 ASSIGNATION by Sir William Levingstoun of Kilsyth, with consents as in No. 94, to Thomas Dalyell and Janet Hiere, his wife, of an annualrent of 24 chalders of victual as in No. 79, in warrandice of the lands of Byynns, etc. Place, date, witnesses and signatures as in No. 95. Seal attached.

98 INSTRUMENT OF SASINE following on charter in No. 95. Sasine given on the ground of Byinns by Alexander Hammiltoun of Eart Bynning, bailie for Kilsyth, 22 September 1612. Witnesses, Gilbert Inglis in Hathrincsyk, James Inglis, his son, William Jervay, servant of William Levingstoun, and Archibald Pouss in [*blank*]. Notary, Robert Ker.

99 INSTRUMENT OF SASINE following on assignation in No. 97. Sasine given on the ground of Deynis and of Byris by John McCaddame, vennicer of Trivik, bailie for Sir William Levingstoun of Kilsyth, 2 October 1612. Witnesses, Thomas Otterburne, elder, of Redhall, John Johnstoun, portioner of Deynis and bailie of the Water of Leith, John Watsoun, dwelling at the West Port of Edinburgh, Daniel Couttis, son of Daniel Couttis in Dalry Mylne, and William Brown, servant of the said Thomas Otterburne, William Mylne, dwelling at Coutis, one of the "tounis" of the barony of Byris, William Wat, there, David Young, there, William Pringill, there, and James Hanna, servant of Hugh Barnsfather in Spittel. Notary, Thomas Lawrie.

100 DUPLICATE EXTRACT OF JUDICIAL RATIFICATION by Dame Antenocta de Bord, wife of Sir William Levingstoun of Kilsyth, and by Dame Anna Flemyng, wife of Sir William Levingstoun of Dernechester, of the disposition and alienation of Byynns, etc., in No. 69. Done in presence of Mr. Thomas Henrysoune, one of the commissars of Edinburgh, 2 December 1612. Extracted by Mr. William Marshall, commissary clerk.

101 CHARTER by Sir William Levingstoun of Kilsyth with consents as in No. 95, as disponing Byynns, etc., in favour of Thomas Dalyell and his wife. To be held of James, Earl of Abircorne, Lord Paisley, baron of the barony of Abircorne, immediate superior of the granter. Reddendo id. blench to the said Earl. Dated at Edinburgh, 11 January 1613. Witnesses, Patrick Cornwell, Humphrey Lennox and Thomas Adame, servants of the granter, John McCaddame, servant of Dalyell, and Daniel Melville. Signed by granters and witnesses. Seal attached.

102 LETTERS OF PROCURATORY by Thomas Dalyell of Manerstoun, indweller in Edinburgh, appointing Robert Dalyell, servant of James Dalyell, burgess of Edinburgh, to receive at Montross payment of 3 chalders 1 boll of victual, of the firlot of Abirbrothick, from Sir Andrew Auchtirloney of that Ilk and Sir James Auchtirloney, occupier of the town and lands of Pitcairne. Dated at [*blank*], 17 February 1613.

103 EXTRACT REGISTERED DECREET OF IMPROBATION by the Lords of Council in favour of the said Thomas Dalyell against the heirs and representatives of the five daughters of the late [John] Levingstoun of Manerstoun, viz., Agnes Flemyng, Lady Covingtoun, daughter of the late John Flemyng of Bord, who was a son of Agnes Levingstoun,[1] one

[1] Agnes Levingstoun married William Flemyng of the Bord. (E. B. Livingston: *Livingstons of Callendar*, p. 391.)

of the said five daughters; John Kincaid of Grange, son of the late John Kincaid of Grange and the late [*blank*] Levingstoun, one of the said five daughters; Samuel Burne, son of the late [*blank*] Burne, minister at [*blank*], and [*blank*] Levingstoun, one of the said five daughters; John Don in Frew, son of the late [*blank*] Don in Frew and [*blank*] Levingstoun, one of the said five daughters; and these as heirs of the late Janet Levingstoun, one of the said five daughters; and others; declaring all charters, sasines, reversions and other rights, alleged to be granted to the said late [John] Levingstoun, or to his father, or to his grandfather, or to the defenders themselves or any of their ancestors "to mak nae faith in judgment nor outwith in tyme comming." Dated at Edinburgh, 10 March 1613.

104. RESIGNATION by Sir John Hammiltoune of Grange in the hands of his superior, James, Marquess of Hammiltoune, Earl of Arran, Lord Aven and Abirbrothok, of the lands of Stakis and Litill Carriddin with coals and coal-heughs with way-leaves to the sea or anywhere else, lying in the barony of Carriddin; and also of the 10s. lands of old extent of Rousland, lying in the barony of Kynneill; and also of the lands of Cauldcoittis, all in the sheriffdom of Linlithqw, for a new infeftment to be given to him by the said Marquess Done in a chamber in the Palace of Kynneill, 16 March 1613. Witnesses, Sir Robert Ker of Ankrum, Mr. Alexander Hammiltoune of Kinglas, Mr. Thomas Dalyell and Thomas Wilsoun, servants to the said Marquess, and Alexander Neilsoun, servant of the notary. Notary, Robert Ker.

105. DISPOSITION by James, Marquess of Hammiltoune, etc., in favour of Sir John Hammiltoune of Grange, of the lands of Stakis, Litill Carriddin and Dyland with coals, etc., and Rousland, as in No. 104, which the late James, Earl of Arrane, with consent of John, Marquess of Hammiltoune, feued to John Hammiltoune of Grange (now the said Sir John), and also of the lands of Caulcoittis, held by the said Sir John, formerly of Sir John Bruce of Airth, now of the said Marquess. Written by Alexander Neilsoun, writer to Robert Ker, sheriff and town clerk of Linlithqw. Done at Kynneill, 16 March 1613. Witnesses, Mr. Thomas Dalyell of Mylnetoun, Mr. Alexander Hammiltoune of Kinglas, John Hammiltoune, chamberlain of Kynneill, Thomas Wilsoun, writer in Hammiltoune, and the said Robert Ker and Alexander Neilsoun. (Signed) "J. Hammilton" and witnesses.

106. CHARTER OF *Novodamus* by James, Marquess of Hammiltoun, etc., in favour of Sir John Hammiltoun of Grange, following on disposition in No. 105. Reddendo for Stakis, Litill Carriden and Rousland £13 Scots, if asked for, and for Cauldcoittis £8 : 6 : 8 Scots and 32 capons; containing precept of sasine directed to Mr. Alexander Hammiltoun of Kinglass. Writer, place and date as in No. 105. Witnesses as in No. 104. (Signed) "J. Hammilton, Anna Cunnyghame" and witnesses. Seal of the Marquess attached.

107. INSTRUMENT OF SASINE following on charter in No. 106 Sasine given on the ground of the lands *respective*, 18 March 1613. Witnesses, Patrick Monypenny of Pilrig, Captain Robert Abircrumbie, Richard Falconer, elder, in Borrowstounes, and Alexander Neilsoun, servant of the notary. Notary, Robert Ker.

108. CHARTER OF CONFIRMATION with clause of *novodamus* by James, Earl of Abircorne, Lord Paislie and Kilpatrick, of the charter in No. 95. Charter of confirmation (written by John Greenleis, servitor of Thomas Inglis of Corsflat, one of the bailies of the burgh of Paisley), dated at Cannongait, 29 May 1616. Witnesses, Mr. Matthew Craufurd and John Gabriel, servants of the said Earl, and Peter Algeo, writer in Edinburgh. (Signed) "Abercorne" and the witnesses. Seal attached.

109 Assignation by Sir William Lauriston of Kilsyth, one of the Senators of the College of Justice, in favour of Thomas Dalyell of Mackerstoun, of the obligation by James, Lord Lindsay of Byres, in No 50. Dated at Edinburgh, 25 June 1616. Witnesses, Walter Bean and Humphrey Lesmore, servants of the said Sir William. (Signed) "Kelsayth" and the witnesses.

110 Letter from James Dalyell to his brother Thomas Dalyell of the Binns:—

"Loving Brother, my ever kind dewty being remembered, nocht forgotten your bodilies and barnes, plesa nott I have bene in this toune this tyllese days tygans and keyberis henderitt with evill wether, sua that I could nocht yet travellet thaucke the Ilis. The tennentis of the maisland has tesie at me and hes gevin me parit of money, and is to thrack anit thair cornes to mak money and pay the last yeirs restis. Thay have ane gedl steipe in thair barn yardis and itt is thocht be many that the maist part of the bishope tennentis will have als mekill this yeir as will pay this yeir and the uthir bothe. I can wryt no farder bot I sall use all the diligence I can to gett compleitt payment of the last yeirs restis befor I come out of the countrye. Itt will stay me ben longer nor I thocht to have stayett, bot, God wiling, I sall use als gretti diligence as possibill I may. It wilbe 15 days efter Hallowmes befor the butter dett will come in, quhilk I mynd to resave my self, and I have gevin many of the tennentis that tyme to mak money of thair malt to pay me the last yeirs dett. I mynd to resave na vetuall fra thame for this yeirs dett till I return bak outt of the southe agane. I man pay the maenisteris tooell befor I come out of the cuntry for the butter dett. I thocht to have sent als mekill money with this beirer as wald have payitt my uncle[1] and John Law the money that I am adettit to thame bot I could nocht have itt exchangitt in gould, sua that he refussit to carry itt; nayther could I gudlie change him except itt had bene in gould becaus he hes ane change of money and could hardlie gett itt exchangitt.

"Sua, Sir, I will requeist you, gif ye have sua muche money besyd you at the terme that ye may spair, that ye will tak my band and pay thame and I sall satesfie you at meiting, God willing, quhilk salbe als shortlie efter the terme as I may. As to the pryces of cornes, malt gevis sik the meill (*sic*), and meill aucht merkis. Itt is thocht the pryce will fall bot I think itt salbe very littill better scheipe[2] befour paix.[3] Sua leving to trubill you with farder letter, bot comitts you to the protikcioun of the Almychtie and sall remane,

"Your Brother to be comandit to the uttermost of his power.

"(Signed) James Dalyell.

"Kerkwall, the 22 off October 1616.

"Sir, I will requeist you to deill with Mr. Alexander Skene, that I may have thrie or four regestrate at the horne, quhilk ar contened in the letters, for he promisset sua to me gyf I advertesitt him in tyme. I think he will nocht refuse itt; to witt, Emmond Sinkler of Flotta and the laird of Stenhouis.[4] I am laithe to indanger thair estaitt. I have servett ane inhibition aganss thame bothe. Gif Mr. Alexander will grantt you that favour that thay sall aythir be regestratt or unregestratt at my optioun till my next advertesment, he wald do you and me bothe favour, for I think thay wilbe laithe to hasard thair estaitt. Sir, ye sall caus my lad gif he come to you delyvir this letter

[1] James Law, minister of Kirkliston, then bishop of Orkney, afterwards bishop of Glasgow. His sister, Helen Law = James Dalyell, burgess of Edinburgh, father of Thomas Dalyell, first of Binns.

[2] Cheap. [3] Pasche. [4] Adam Bellenden: *R.M.S.* vii, 1389.

as itt is derekett to the Bishop of Orknay, becaus he knawis quhair he lugis."

Addressed :—"To his loving Brother Thomas Dalyell off the Bynnes thais."

Endorsed (in another hand) :—"My bretheris letter of request to pay Mr. John Lawe aucht hunder merkis for him."

111. EXTRACT of the Acts of the Visitation of the kirk of Abircorne by Mr. Robert Cornwall,[1] moderator, Mr. George Inglis, minister at Bathcat, Mr. John Gibbesoun, minister at Damenie, Mr. Thomas Peblis, minister at Kinneil and presbytery clerk, and Mr. William Powrie, minister at Abircorne (visitors appointed by the presbytery of Linlithqw at the desire of Alexander, Bishop of Dunkeld),[2] in presence of the gentlemen, elders and parishioners convened in the said kirk on the 28 of November 1616; declaring that the Manerstoun aisle, now ruinous and demolished, belongs to Thomas Dalyell of Manerstoun and granting authority to him to reedify the same, and to remove the mid-wall and "dask" (pew) built in front thereof by Mr. James Durrame of Duntarvie.

112. PUBLIC INTIMATION made from the pulpit by Mr. William Powrie, minister of Abircorne, of the Act in No. 111. Dated 1 December 1616.

113. EXTRACT RATIFICATION by the presbytery of the Act of Visitation in No. 111. Dated at Linlithqw, 5 February 1617.

114. EXTRACT REGISTERED RESIGNATION by the said Thomas Dalyell and his spouse in favour of his superior, James, Earl of Abircorne, of the privilege of commonty, lonings and common pasturage in Duntarveymire. Dated at Edinburgh, 23 June 1617. Witnesses, James Cochren of Barnebachloe,[3] John Levingstoun of Hanyng, Thomas Rae, servant of Sir William Levingstoun of Kilsyth, Peter Algeo, writer in Edinburgh, and John Stewart, his servant. Registered in the Books of Council and Session, 30 June 1617.

115. INSTRUMENT OF SASINE following on charter in No. 108. Sasine given on the ground of Bynnis, etc., *respective* by Alexander Bruce, son of Sir George Bruce of Carnok, bailiff for the granter, 7 August 1617. Witnesses, David Inglis in West Craigis, Peter Grinlay in Manerstoun, William Mure, servant of the said Thomas Dalyell, and George Cunyghame, servant of the bailiff. Notary, Robert Ker.

116. RATIFICATION by Alexander, Bishop of Dunkeld, of the Act of Visitation in No. 111. Dated at St. Madose, 19 October 1617. Witnesses, Alexander and William Lyndesay, sons of the Bishop, and Thomas Greirsone, servant of Thomas Dalyell.

117. EXTRACT DECREE of the High Commission in an action raised by Thomas Dalyell of Manerstoun against Mr. James Durhame of Duntarvie and Francis Durhame, his son, interdicting the respondents from molesting the complainer in his possession of the "Manerstoun Ile" in the kirk of Abircorne. Dated at Edinburgh, 11 December 1617.

118. EXTRACT DECREE of the Commissioners of Parliament appointed for the plantation of kirks, decerning that the kirk and parish of Auldcathie shall be united and annexed to the kirk and parish of Dumanie, and that the united parishes shall be served by one minister, viz., Mr. John Gibbisone, present minister of Dumanie, and that he shall have a constant stipend of two chalders, half meal and half beir, with 400 merks money, of which 100 merks shall be paid by the tacksman of the teinds of Auldcathie, Thomas, Master of Bynning. Dated at Edinburgh, 21 January 1618. Extracted from the Books of Parliament.

[1] Minister at Linlithgow. [2] Alexander Lindsay. [3] Usual form *Barbachlaw*.

119. EXTRACT CONTRACT between James, Earl of Abercorn, patron of the parish of Abercorn, and the said Thomas Dalyell and his spouse, and the several other heritors of the said parish, whereby the said Earl dispones to them the current tack of the teinds of the parish. Dated at [illegible], 25 February 1618.

120. TACK of the annual or vicar's teinds of Binnis, etc., by Mr. William Fowrie, minister of Abercorn, to the said Thomas Dalyell and his spouse, for the granter's lifetime and for three years after his decease, paying therefor 55 marks yearly. Done at Binnis, 21 December 1619. Witnesses, Henry Jamesone, servant to Lady Midhop,[1] James Mowat and Henry Stoire. (Signed) "Mr. William Fowrie, parson and minister of Abercorn," and the witnesses.

121. MARRIAGE CONTRACT between James Allan, wright in Bryneis, and Jean Hendersonn, daughter of Robert Hendersonn at Bryneis and Marian Hamiltonn, his wife. The said Jean's tocher is 1600 marks. Dated at Bryneis, 1 August 1621.

122. LETTER from Sir William Levingstoun of Kilsyth informing the said Thomas Dalyell that he holds the Earl of Linlithgow's "ticket" for the teinds of the Lands of Binns, etc. Dated at Kilsyth, 2 May 1627. (Signed) "Your assurit freind always Kilsayth." Addressed:—"To my worshipful freind Thomas Dalyell of Maner-toun at Binns thes."

123. EXTRACT REGISTERED INSTRUMENT OF SASINE in favour of William Levingstoun of Kilsyth, as heir of the late Sir William Levingstoun of Kilsyth, his grandfather, of the barony of Kilsyth; following on precept of sasine from chancery, dated at Edinburgh, 6 November 1627. Sasine given, 8 November 1627. Registered in the Clerk Register's Register for the county of Stirling, 13 December 1627.

124. "BOND OF INTERDICTION" by William Drummond of Richardtoun, who by his oath solemnly made in presence of God and by these presents obliges him never to become cautioner for any person whatever for payment of any sum of money or for implementing any contract, bond or obligation or other writ, without the special advice and consent of Sir John Stirling of Garden, his uncle,[2] and of Thomas Dalyell of Manerstoun, his father-in-law.[3] Done at Edinburgh, 28 May 1628. Witnesses, Mr. Robert Bruce, son of the late Sir George Bruce of Carnok, John Ker, writer, and Thomas Forrest and James Mure, his servants. (Signed) "W. Drummond of Riccartoune," and the witnesses.

125. EXTRACT REGISTERED WADSET for a loan of 10,000 marks by Alexander, Earl of Linlithqw, Lord Levingstoun and Callander,[4] with consent of Mr. Alexander Bruce of Kincavill, in favour of the said Thomas Dalyell and his spouse over these lands of Blackness, lying in the lordship and bailliary of Linlithqw, viz., 12 oxgates with 1 acre and 2 rigs, whereof 2 oxgates and 1 acre pertain to Patrick Melville, grandson and heir of the late William Dick, 2 oxgates pertained to the late John Meldrum, son and heir of the late Andrew Meldrum and Elizabeth Gibsoun, his spouse, 4 oxgates formerly pertaining to Marjory *alias* Masie Robertsoun, grand-daughter and heir of the late William Robertsoun, and 4 oxgates and 2 rigs, sometime pertaining to John Watson, burgess of Linlithqw, grandson and heir to the late Patrick Watson; also 4 oxgates formerly

[1] Margaret Hamilton, widow of Sir Alexander Drummond of Midhope.

[2] Drummond was son of Sir William D. of Riccarton and Jean, dau. of Sir Archibald Stirling of Keir; mar. cont., 21 Dec. 1605.

[3] Drummond married Magdalen Dalyell; mar. cont., 11 Aug. 1626.

[4] The said Earl was hereditary captain of the castle of Blackness. Part of the salary attached to the office consisted of the rents of Blackness Lands and Bonnytoun Lands.

pertaining to George Hamiltoun, brother of Alexander Hamiltoun of Binning ; also 1½ roods with the yard thereof, on which the late Patrick Hathwie built his house ; also 6 roods at the end of Hathwie's yard on the east part of the Vennel of Blacknes ; also 4 roods of arable land, lying near the common way, called the Loning, on the west ; also the lands, called Queinngeir,[1] lying also on the west ; also that piece of land, called Stotfaulds ; also 2 sea-corn mills,[2] with houses built by the late Alexander, Earl of Linlithgow, father of the said Earl, on the "Grein of Blaknes" ; also the sea-cruives and sea-fishings. Dated at Edinburgh and Linlithgow, 28 January and 17 February 1629. Witnesses at Edinburgh, Patrick Levingstoun, servant of the said Earl, John Ker, writer to the signet, and James Kennowie, his servant ; at Linlithqw, William Drummond of Riccartoune, Robert Ker, sheriff and town clerk of Linlithqw, and Robert Muschet, servant to the said Earl. Registered in the Books of Council, 6 March 1635.

126. BACKBOND by the said Thomas Dalyell and his spouse in favour of the said Earl of Linlithgow, relative to No. 125. Place, date and witnesses as in No. 125.

127. PRECEPT OF *Clare Constat* in the lands of Blaknes by Alexander, Earl of Linlithgow, in favour of Mr. Alexander Bruce of Kingcavil, as heir to his late father, Sir John Bruce of Kingcavil. Dated at Edinburgh, 28 January 1629. Witness, Patrick Levingstoun, servant of the said Earl.

128. CHARTER following on wadset in No. 125. The lands to be held of the said Earl. Dated at Edinburgh, 28 January 1629. Witnesses, Patrick Levingstoun, servant of the said Earl, John Ker, writer to the signet, and James Kennowie, his servant. (Signed) "Linlithgow, A. Bruce of Kinkavill," and the witnesses. Seals of the granters attached.

129. CHARTER following on wadset in No. 125. The lands to be held of the Crown. Place, date, witnesses, signatures and seals as in No. 128.

130. INSTRUMENT OF SASINE following on No. 127, in favour of Mr. Alexander Bruce of Kincavill. Sasine given on the ground, 2 February 1629. Witnesses, Robert Hendersoun, servant of William Drummond of Riccartoun, bailiff for the said Earl, William Dryisdaill in Blakness, Robert Cokburne and William Mure, there. Notary, Robert Ker.

131. INSTRUMENT OF SASINE following on No. 128, in favour of the said Thomas Dalyell and his spouse. Place, date, witnesses and notary as in No. 130.

132. INSTRUMENT OF SASINE following on No. 129. Place, date, etc., as in No. 130.

133. DESCRIPTION of the houses and lands of Blaknes, held of the burgh of Linlithqw, as contained in a charter by the burgh in favour of Alexander, Earl of Linlithgow, Lord Levingstoun, etc., and Eleanor Hay, his spouse, dated 21 December 1603, and infeftment following thereon, 7 March 1604.

(1) A house in the village on the east side of the New Chapel of St. Ninian's. (2) Two particates of arable land to the east of the said house, bounded by the Cunningar on the south and the said house on the north. (3) One acre of land being one of the 4½ acres, feued by the burgh to Robert Falconar, bounded by the Newlands on the west, and

[1] Error for *Cuninger*, i.e., *rabbit-warren*.
[2] The water, stored at high tide, drove the mills at low tide.

the Langshaw on the east. (4) The house and yard in the said village possessed by John Galdinie, lying on the east side of the house and yard possessed by Robert Falconar.

Tenders for Falconar's Lands £6 : 13 : 8, allocated as follows :—

The Earl of Linlithgow	£1 : 7 : 0
David Dryndall	£2 : 13 : 4
Alexander Caldon	£2 : 13 : 4

(Undated, but in the handwriting of Alexander Neilsoun, writer to Robert Ker, town clerk of Linlithqw; date c. 1629.)

134 CROWN CHARTER OF CONFIRMATION confirming the charter in No. 108 by James, Earl of Abercorne, in favour of the said Thomas Dalyell and his wife. Dated at Halyrodhouse, 24 July 1629.

135 CHARTER by Sir John Hammiltoun of Grange in favour of James Hammiltoun, his eldest sn., of the lands described in No. 104, and the lands of Mainspus and Dyland. Reddendo one penny blench. Written by Patrick Glen, notary public. Dated at Borrowstounes, 18 August 1629. Witnesses, George Hammiltoun, son of the granter, Alexander Hammiltoun, son of Mr. Alexander Hammiltoun of Kinglas, and the said Patrick Glen. (Signed) "Jhone Hammyltoune of Grange" and the witnesses. Seal wanting.

136 INSTRUMENT OF SASINE following on charter in No. 135. Sasine given on the ground of the lands *respective* by John Hendersoun in Muirhouses, bailie for Sir John Hammiltoun of Grange, 18 August 1629. Witnesses, Gavin Simpsone in Muirhouses, William Robert, John Powok and James Clelland, there, and John Colburne in Litill Carridin. Notary, Patrick Glen.

137 LETTER from Sir William Levingstoun of Kilsyth to Thomas Dalyell [of Manerstoun], stating that he had spoken to the Earl of Linlithgow who had promised to deliver the writ which he had (summons of improbation by the laird of Quarrel anent the lands of Manerstoun); with an annexation by the said Earl promising to deliver the writ when he came east. Dated at Callendar, 8 April 1630. (Signed) "Kilsayth" and "Linlithgow." Addressed :—"To his very assured good freind The Goodman of Buis."

138 NOTARIAL CERTIFICATE OF INTIMATION by Thomas Dalyell of Binnis to William Levingstoun of Kilsyth, as grandson and heir of the late Sir William Levingstoun of Kilsyth, of three actions of reduction and improbation of the titles of Binnis, etc., raised against him by James, Earl of Abircorne, and others. Dated at the Peel of Linlithqw, 30 October 1630. Witnesses, John Levingstoun of Hanyng, Robert Musshet, servant of the Earl of Linlithqw, and James Mure in Linlithqw. Notary, Robert Ker.

139 CHARTER by Sir John Hammiltoun of Grange in favour of James Hammiltoun, his son, and Christian Forrester, future spouse of the said James, to implement the marriage contract between the said Sir John and his son on the one part, and the said Christian Forrester and her father, Sir George Forrester of Corstorphine, on the other part, of the lands of Stakkis as in No. 104, and the lands of Caldcoittis as in No. 40. Reddendo for Stakkis £4 Scots and for Caldcoittis £8 : 6 : 8 Scots and 32 capons, payable to the superior, James, Marquess of Hammiltoun. Dated at Borrowstounes, 7 February 1631. Witnesses, Alexander Bruce of Alveth, Mr. Alexander Hammiltoun of Kinglass, Captain Robert Abercrumbie and John Williamsoun, W.S. (Signed) "Jhone Hammiltoun of Grange" and the witnesses. Seal wanting.

140. TRANSUMPT made by authority of the Burgh Court of Stirling from the protocol-books of John Williamsoun, some time sheriff and town clerk of Stirling, dated 7 April 1643, of an instrument of sasine following on charter in No. 139. Sasine given on the ground of the subjects *respective*, 8 February 1631. Witnesses, Mr. Alexander Hammiltoun of Kinglas, James Pennye, servant of Sir John Hammiltoun, Patrick Hendersoun in Waltoun, Thomas Henrysone in Dyaland and John Walker in Burneshot. Notary, John Williamson.

141. LIST OF HERITORS of the parish of Abercorn, 4 May 1631 :—

George Dundas, appearand of that Ilk, for the quarter of the town and lands of Duntervie, and 3 oxgates of land lying at the east end of the town of Dudingstoune, and 2 oxgates of the lands of Easter and Wester Lawis.[1]

John Dundas of Newlistoun for himself and Margaret Crichtoun, his wife, conjunct life-renters of the lands of Craigtoune or Brownlaw and Steillislandheid, taking the burden on them for their grandson, John Dundas, eldest son of Sir James Dundas of Craigtoune, their eldest son ; also as life-renter of 12 oxgangs of the lands of Philpstoun with the mill thereof, acquired by him from the late James, Lord Lindsay, and William, Master of Lindsay, his son ; with consent of David Dundas of Philpstoun, his second son, fiar of the said 12 oxgangs ; also as life-renter of these lands of Philpstoun and Cruderland acquired by him from the late Alexander, Earl of Linlithgow ; with consent of Mr. George Dundas of Mortoune, his third son, fiar of the said lands.

Mr. George Dundas for the lands of Mortoune.

Thomas Dalyell of Bynnis and Janet Bruce, his wife, conjunct fiars of the lands of Manerstoun, Bynnis, Scottistounhill, Flutheris, Murieleis and Corslattis.

Dame Margaret Cobburne, Lady Clerkingtoune, life-renter of the lands of Halthornsyke, and Patrick Cobburne, now of Clerkington, her son, fiar of the said lands.

Mr. John Drummond of Wodcokdaill for the lands of Wester Scottistoune.

Robert Drummond of Meidop, proprietor of the lands of Meidop.

George Dundas, now of Dudingstoune, proprietor of the whole lands of Dudingstoune (except the 3 oxgangs above specified), and of the town and lands of Newtonne, Gallowflatis, quarter of the lands of Duntervie, half of the Craig thereof, and of the town and lands of Easter and Wester Lawis (except the 2 oxgangs above specified), with advice of his curators, Mr. George Dundas of Maner and James Hammiltoun of Parklie.

Mr. George Dundas of Maner, proprietor of the lands of Stanefauldhill, Smyddiehill and Freirhill and those 28 rigs described in his infeftment.

Francis Durhame of Duntervie, proprietor of half the lands of Duntervie.

Alexander Hammiltoun of Easter Bynning, proprietor of the lands of Fairniehill or Doglandis.

Philip Quhytheid of Kincavill Park, proprietor of the lands of Gallowiscruik and half the Craig of Duntervie.

142. EXTRACT REGISTERED BACKBOND by James, Earl of Abercorn, Lord Paislay and Kilpatrick, principal tacksman of the teind sheaves of the parish of Abercorne and patron of the parish church (who has assigned to the heritors of the said parish for the sum of 20,000 marks his letter of tack of the teinds thereof, granted to him and his late father, 23 January 1607, by Mr. William Powrie, minister of Abercorne), whereby he binds himself to relieve the said heritors of all expenses in defending actions of reduction and improbation at the instance of Alexander,[2] bishop of Dunkeld, against the said Earl and his late father and their author of and concerning their rights of patronage to the parish church

[1] St. Serf's Laws. [2] Alexander Lindsay.

and of the teind sheaves of the said parish, and in the event of the bishop's obtaining decree, to repay to the said heritors their purchase money. His late father, James, Earl of Abercorne, had acquired from James, Lord Lindsay of Byres, the lands and barony of Abercorne and others, with the said teinds and patronage, under a disposition, dated 1 and 15 February 1603. The backland is dated 4 May 1631. Registered in the Books of Council and Session, 23 August 1632.

143 EXTRACT REGISTERED DISCHARGE by Claud Hammiltoune of Strabane, Master of Abercorne, as commissioner for his brother James, Earl of Abercorne, with consent of Sir John Maxwell of Nether Pollok and of Sir Thomas Boyd of Bonshaw, in favour of Thomas Dalyell of Byrnis of an action of spulzie raised by him against the said Thomas concerning the teind sheaves of the lands of Byrnis, etc., as for crops of the years 1624, 1625, 1626; also further discharge for the years 1627 to 1630. Dated at Edinburgh and Pollok, 3 December 1631 and 12 May 1632. Registered in the Books of Council, 8 June 1632.

144 CROWN SIGNATURE in favour of the said Thomas Dalyell and his wife directing the charter in No. 145 to be granted in their favour. Dated 10 December 1631.

145 CROWN CHARTER under the Great Seal[1] in favour of the said Thomas Dalyell and his wife of the ground and lands where the sea ebbs and flows, tofeanent the lands of Byrnis and Manerstoun, with coal and coal-heughs, lime stone and free stone, wrack and ware thereof. Reddendo £8 yearly. Dated at Halyrudhous, 10 December 1631.

146 PRECEPT OF SASINE following thereon, of the same date as No. 145.

147 COUNT AND RECKONING between the said Thomas Dalyell and Alexander, Earl of Linlithgow, anent the rents of the lands of Blaknes for the years 1630 and 1631. Dated at the Callender, 10 May 1632. Witnesses, Robert Musshett, servant of the said Earl, David Wright, servant of the said Thomas and writer of the deed, and Thomas Callander. Signed by the parties.

148 CROWN CHARTER[2] confirming charter in No. 129; to be held of the crown. Dated at Halyrudhous, 9 June 1632.

149 CHARTER OF CONFIRMATION by Lady Anna Cunynghame, Marchioness of Hammiltoun, commissioner for her son, James, Marquess of Hammiltoun, Earl of Arrane and Cambridge, Lord Aven and Inerdaill, with consent of Sir John Hammiltoun of Magdalens, clerk register, Sir John Hammiltoun of Bargaine, Sir John Carnagie of Athie, Sir James Maxwell of Calderwode, John Hammiltoun of Orbestone, Mr. Thomas Dalyell of Johnestoune and Claud Hammiltoun of Mauchleinchoill, or any two of them, under commission dated at Hammilton, 19 January 1630; confirming the disposition contained in charter in No. 139. Dated at Kyncill, 21 July 1632. Witnesses, Mr. James Baillie of Carnebrew, Mr. Henry Maule and Mr. James Johnestoun, servants of the granter, and William Lowdoun, writer in Hammiltoun.

(Signed) "Anna Cunynghame, J. Hammiltoun consents.
Js. Calderwod consents."

Seal of granter attached.

150 EXTRACT VALUATION of the submission chosen by His Majesty finding Manerstoun stock and teind to be valued to 5½ chalders, Binnis, Fluddersis and Merrielies to 3½ chalders, Scottistounhill to 3 chalders,

[1] *R.M.S.* under date 10 Dec. 1632. [2] *R.M.S.* under date.

extending in all to 12 chalders. Dated 12 December 1632. Registered in the Register of Teinds, 23 July 1635.

151. INSTRUMENT OF SASINE following on precept of sasine in No. 146. Sasine given on the ground by William Drummond of Riccarton, 17 December 1632. Witnesses, Mr. Andrew Ker, son of the notary, Mr. James Duncane, son of John Duncane, portioner of Bruntone, Robert Hendersone, servant of the bailiff, William Hay, servant of Thomas Dalyell, elder, and Thomas Teate, servant of Thomas Dalyell, younger. Robert Ker, notary.

152. COPY OF CONTRACT between Mr. Andrew Young, minister of the parish of Abercorne, and the heritors thereof, whereby the heritors bind themselves to augment by £100 Scots and half a chalder of beir yearly the stipend of 350 merks and 24 bolls of oatmeal paid to the late Mr. William Powrie, the former minister. Dated [*blank*] 1633.

153. DRAFT LETTER by Thomas Dalyell of Bynnis to Alexander, Earl of Linlithgow, sending a statement of accounts between them concerning the lands of Blaknes. (Signed) "Your Lordships faithfull and humbell servant Tho : Dalyell." [Undated, but from internal evidence written in 1633.]

154. BILL OF EXCHANGE for 300 French livres, drawn by Thomas Dalyell, appearand of Binnis, on his father through Andrew Bethune, resident in Paris, on behalf of William Dick, merchant in Edinburgh. Dated at Saumur, 3 March 1634. Witnesses, Mr. Robert Bruce, attending on the Master of Ross, and Mr. George Sterling, servant to the laird of Keir, and writer hereof. (Signed) "Tho : Dalyell." Endorsed :—"My son's 1 bill of exchange payit, 4 June 1634."

155. COPY OF SERVICE in the Sheriff Court of Stirling of William Levingstoun of Kilsyth as heir in general to his father, the late William Levingstoun of Kilsyth. Done at Stirling, 19 April 1634, and retoured to Chancery.

156. BILL OF EXCHANGE for 300 francs French money, drawn by Thomas Dalyell, appearand of Bynnis, as in No. 154. Dated at Geneva, 24 June 1634. Witnesses, Archibald Stewart, servant to the Earl of Angus, and Mr. George Stirling, as in No. 154. Endorsed :—"My son's 2 bill of exchange."

157. BILL OF EXCHANGE for 300 francs French money, drawn by Thomas Dalyell, appearand of Bynnis, as in No. 154. Dated at Lyons, 11 September 1634. Witnesses, Sir George Sterling of Keir and Mr. George Sterling, as in No. 154. Endorsed :—"My son's 3 bill of exchange."

158. BILL OF EXCHANGE for 600 francs French money, drawn by Thomas Dalyell, etc., as in No. 154. Dated at Paris, 7 November 1634. Witnesses, Gavin Dalyell, and Thomas Edgar, servant to the said Gavin. Endorsed :—"My son's 4 bill of exchange."

159. BILL OF EXCHANGE for 300 francs French money, drawn by Thomas Dalyell, etc., as in No. 154. Dated at Paris, 15 December 1634. Witnesses as in No. 158. "Endorsed :—"My son's 5 bill of exchange."

160. COUNT AND RECKONING between Alexander, Earl of Linlithgow, and Thomas Dalyell of Bynnis in respect of the crop of the year 1633 from Blaknes lands, shewing a balance of 873 marks 6/8, which was applied to account of Dalyell's annualrent on the bond. Dated [*blank*] 1634. (Signed) "Linlithgow."

161 LETTERS OF REQUISITION at the instance of Thomas Dalyell of Mannerstoun against Alexander, Earl of Linlithgow, etc., requiring him to repay within 60 days the bond of 10,000 marks on Blaknes lands, as in No. 128. Given under the Signet at Edinburgh, 2 March 1635.

162 INSTRUMENT OF REGISTRATION following on No. 161. Done at the Market Cross of Edinburgh and at the Pier and Shore of Leith, because the said Earl was farth of Scotland, by James Hamiltoun, messenger, 11 March 1635. Notary, James Kennewie.

163 DISCHARGE by James Wilsone in name and behalf of Francis Dicke, factor at Londonne, in favour of Thomas Dalyell of the Binnes, of payment of £88 Scots. Dated 12 June 1635. Witnesses, John Neill, servant to Margaret Dick of Comistoune, and George Finlasone, servant to the said Thomas Dalyell. (Signed) "James Wilsone with my hand," and the witnesses.

164 LETTER from the Earl of Linlithgow to the said Thomas Dalyell anent the Earl's indebtedness to him connected with Blaknes lands. Dated at Hampton Court, 29 October 1635. (Signed) "Linlithgow."

165 COPY OF LETTER from the said Thomas Dalyell to Alexander, Earl of Linlithgow, urging him to sell his Blaknes lands as they were unprofitable. He refers to the poverty of the tenants: "for the tenants of the toun ar so pure as they ar not able to pay the quarter of their bypast rents let be this year", also to the bad season, "which is the worst yeir hes bene this fourtie yeir"; and states that on the Mains of Blaknes (farmed by the Earl) the whole crop of corn is not sufficient to furnish seed for the following season. Dated at Bynes, 10 November 1635.

166 DISPOSITION by James Hammiltoun, bar of Grange, and Sir John Hammiltoun of Grange, his father, liferenter thereof, with consent of Christian Forrester, wife of the said James, and of Janet Lyill, wife of the said Sir John, and of Alexander Bruce of Alveth for his interest, in favour of Mr. George Dundas of Manor for the sum of 10,000 marks, all and whole the lands of Cauldcottis, described in No. 40, with the teinds thereof. Dated at Grange, 10 and 18 November 1635. Witnesses, John Hammiltoun, chamberlain of Kinneil, James Allan in Brigneis, Patrick Mayne, notary public, and Mr. Andrew Ker, son of Robert Ker, sheriff and town clerk of Linlithgow. Written by Thomas Inglis, servant of the said Robert Ker. Signed by the parties and the witnesses.

167. CHARTER following on disposition in No. 166. The lands are to be held blench of the granters. The charter contains a precept of sasine directed to William Dundas, brother of George Dundas of Duddingstoun. Place and date as in No. 166. Witnesses, John Hammiltoun, chamberlain of Kinneil, George Hammiltoun, son of Sir John Hammiltoun of Grange, and Allan Wilsoun in Grangepans. Signed by the parties and the witnesses. Seal wanting.

168. CHARTER following on disposition in No. 166. The lands are to be held of the superior, James, Marquess of Hammiltoun, etc. Reddendo £8 : 6 : [8] and 32 capons. The charter contains a precept of sasine directed as in No. 167. Place, date, witnesses and signatures as in No. 167. Seal attached.

169. EXTRACT REGISTERED DISPOSITION by Sir John Hamiltoun of Grange and his son, James Hamiltoun, with consents as in No. 166, and also with consent of George, Lord Forrester of Corstorphin, father of James Hamiltoun's wife, in favour of James Allan, wright at Brigneis of Grange,

for the sum of 6,400 marks, of the lands of Stakkis, sometime possessed by the late Thomas Wood, and now by Thomas and James Wood, his sons, with coals, coalheughs, and free ish and entry for transporting the coals to the sea or elsewhere, lying in the barony of Carriddin and sheriffdom of Linlithgow, together with the teinds of the said lands. The said Sir John and his son, the late Sir John Hamiltoun of Lettrick (therein designed John Hamiltoun), held from the abbey of Holyrood and convent thereof a tack of the teinds of Kinneil and Carriddin (with certain teinds reserved to the said abbey), dated at Holyrood, 18 May 1598. The disposition is dated at Grange, the 10 and 18 of November 1635. Witnesses, Mr. George Dundas of Maner, John Hammiltoun, chamberlain of Kinneil, George Hammiltoun, son of the said Sir John, and James Dunce, servant of the said Sir John. Registered in the Books of Council and Session, 10 February 1636.

170. CHARTER following on disposition in No. 169, the lands to be held of the granters in blench, containing a precept of sasine directed to John Hammiltoun, chamberlain of Kinneil. Date, place and witnesses as in No. 169. (Signed) "Sir Jhone Hamyltoune of Grange, J. Hamiltoun, fiar of Grange, Janet Lyell with her hand at the notaris pen, Christian Forrester, Alexander Bruce, consents," and the witnesses. Seal wanting.

171. CHARTER following on disposition in No. 169; the lands to be held of the immediate superior, James, Marquess of Hamiltoun, Earl of Arane and Cambridge, Lord Aven and Innerdaill. Reddendo: £7 Scots. Place, date, witnesses and signatures as in No. 170. Seal wanting.

172. INSTRUMENT OF SASINE following on charter in No. 170. Sasine given on the ground, 18 November 1635. Witnesses, Mr. George Dundas of Maner, George Hamiltoun, son of Sir John Hamiltoun of Grange, James Wood in Stakkis, and James Gray, servant of the said Mr. George Dundas. Notary, Patrick Maine.

173. COPY OF LETTER from Thomas Dalyell of Binnis to Lady Linlithgow[1] protesting against the removal of the crop from the Maynes of Blaknes. Dated at Bynis, 23 November 1635.

174. INSTRUMENT OF SASINE following on Charter in No. 167. Done on the ground, 14 December 1635. Witnesses, George Dundas of Duddingstoun, Andrew Polwarth and William Lawder, his servants, and James Gray, servant of Mr. George Dundas of Maner. Notary, Robert Ker.

175. LETTERS OF INHIBITION at the instance of Thomas Dalyell of Binnis against William Levingstoun now of Kilsyth, inhibiting him from disponing any part of his heritage of goods and gear. Given under the Signet, at Edinburgh, 21 January 1636.

176. OBLIGATION by Thomas Dalyell of Bynnis to pay to William Dick of Braid, merchant burgess of Edinburgh, the bill of exchange for 600 francs, drawn on him by Thomas Dalyell, his son, through Andrew Beatone, factor in Paris for the said William Dick, at the rate of 24 shillings Scots for each franc, together with £60 Scots for his expenses. Dated at Edinburgh, 11 February 1636. Witnesses, George Law, servant of the said William, and Alexander Dick, writer of the deed. (Signed) "Tho: Dalyell" and the witnesses.

Discharged by the said William Dick in favour of the said Thomas Dalyell on payment of the said sum. Dated at Edinburgh, 23 August 1636. (Signed) "William Dick."

[1] Mary Douglas, eldest daughter of William, tenth Earl of Angus. (*Scots Peerage.*)

177. INSTRUMENT OF POSSESSION of the lands of Stakkis in favour of James Allan now of Stakkis, narrating that James Hamiltoun and his late father, Sir John Hamiltoun of Grange, to implement the disposition in No. 169 and to put the said James Allan and Jean Hendersoun, his wife, in possession, had obtained before the sheriff of Linlithgow a decree of removing against James and Thomas Wood, tenants in Stakkis; that the said James Wood resigned all right, title and kindness to the said lands to the said James Hamiltoun, and removed himself, goods and gear therefrom by tilting a part of the said lands with his going plough, and by delivering the said plough by the stilts; that the said Thomas Wood did likewise by delving a part of the said lands with a spade, and by delivering the said spade; and that both the said James and Thomas delivered to him the keys of their houses. Thereupon the said James Hamiltoun in like manner delivered the plough, the spade and the keys to the said James Allan. Done at Stakkis, 20 February 1638. Witnesses, John Hammiltoun, chamberlain of Kinneil, George Hammiltoun, brether of the said James, Lawrence Knokis in Stakkis, and James Gibsone, servant to James Wood. Notary, John Ronnald.

178. LETTERS OF REQUISITION as in No. 161. Given under the Signet, at Edinburgh, 6 March 1636.

179. EXTRACT DECREE OF APPROBATION by the Commissioners of Parliament for "surrenders and teinds," ratifying an agreement anent the teinds of Grukfute, lying in the parish of Carridden, between the late Sir John Hammiltoun of Grange, tacksman of the teinds of the parish, with the consent of James Hammiltoun, his son, on the one part, and James Lokhart of Cleghorne, proprietor of the lands of Grugfute, with consent of Nicolas Maxwell, his mother, liferentrix thereof, on the other part, whereby the said James Lokhart agrees to pay to Mr. Andrew Keir, minister of Carridden, and his successors 15 bolls victual yearly as the value of the teinds of the said lands. Therefore the action raised by the said late Sir John is taken out of court. Date of agreement, at Grange and Edinburgh, 9 and 13 January 1636. Date of decree, 16 March 1636.

180. INSTRUMENT OF REQUISITION following on No. 178. Done at the Market Cross of Edinburgh and at the Pier and Shore of Leith by John Gelin, messenger, 2 April 1636. Notary, James Kennowie.

181. EXTRACT REGISTERED "ESCHEIT AND LIFERENT" of the Earl of Linlithgow in favour of Lord Almond,[1] dated at Quhythall, 17 May 1636, taken upon a horning raised at the instance of David,[2] bischop of Edinburgh, for non payment to him of the relief of the taxation imposed on the said Earl's lands of Ogilface and upon the teirds of the kirk of Airth. The said Earl was denounced on 20 December 1634. Registered, 2 June 1636.

182. CHARTER OF CONFIRMATION by James, Marquess of Hamiltoun, superior of the lands of Stakkis, with consent of his mother, Lady Anne Conynghame, Marchioness of Hamiltoun, confirming charter in No. 171. Done at Hamiltoune, 16 August 1636. Witnesses, James Hammiltoune of Bromhill, Mr. James Baillie of Carnebrew, and William Lowdoune, servant of the Marquess. [Signed, "] Hamiltoun, Anna Cunynghame" and the witnesses. Seal attached.

183. CHARTER by James Allan of Stakis in favour of Christina Mylne, daughter of Andrew Mylne, provost of Linlithgow, of the lands described in No. 169 in liferent to implement marriage contract of the date of the charter.

[1] Younger brother of the Earl: afterwards Earl of Callendar. [2] David Lindsay.

Dated at Linlithgow, 22 February 1637. Witnesses, John Hammiltone, chamberlain of Kinneil, Mr. Andrew Keir, minister of Carriddin, Robert Stewart, George Bell, younger, Alexander Mylne, younger, Alexander Mylne, elder, and Alexander Crawfurd, merchant burgesses of Linlithgow. (Signed) "James Allan with my hand tuichyng the notaris penn underwriten becaus I cannot wrytt," and the witnesses. Robert Ker, notary public. Seal wanting.

184. OBLIGATION by Thomas Dalyell, son and heir apparent of Thomas Dalyell of the Binns, to pay or cause to be paid to Francis Kinloch, factor in Paris for William Dick of Braid, the sum of 2,000 marks Scots which he had borrowed from the said Francis. Dated at Paris, 6 March 1637. Witnesses, Francis Kinloch, younger, writer of the deed, John Anderson and Alexander Thomson, tailors in Paris. (Signed) "Thomas Dalyell." Discharged by the said William Dick, 27 July 1637.

185. OBLIGATION by Thomas Dalyell, as in No. 184, to repay to Francis Kinloch, resident in Paris, the sum of 2,200 marks Scots which he had borrowed from the said Francis. Dated at Paris, 7 March 1637. Witnesses as in No. 184. (Signed) "Thomas Dalyell." Discharged by William Dick, 27 April 1637.

186. LIFERENT SASINE *propriis manibus* to Christina Mylne, following on charter in No. 183. Sasine given on the ground to her attorney, Alexander Mylne, son of Andrew Mylne, provost of Linlithgow, 13 March 1637. Witnesses, Robert Stewart and George Bell, merchant burgesses of Linlithgow, John Ker, brother of the notary, Thomas Turnbull in Bonhard and John Nicoll. Notary, Mr. Andrew Ker.

187. OBLIGATION by Thomas Dalyell, younger, of Binnis, to repay, or to cause his father to repay, to William Dick, elder, of Braid, the sum of 800 marks Scots which he received from William Dick, younger, son of the said William. Dated at Londoun, 17 March 1637. Witnesses, Thomas Edgar and William Schilthomas, servant of the said William Dick, younger, and writer of the deed. (Signed) "Thomas Dalyell."

188. LETTERS OF REQUISITION as in No. 161. Given under the Signet, 25 March 1637.

189. INSTRUMENT OF REQUISITION as in No. 162. Dated 27 March 1637. Notary, James Kennowie.

190. EXTRACT REGISTERED JUDICIAL ACT OF RATIFICATION by Christina Forrester of her consent to the disposition in No. 169. Done before William Hamiltoun, sheriff depute of Linlithgow, 29 May 1637. Extracted from the Sheriff Court Books of Linlithgow by Mr. Andrew Ker, sheriff clerk.

191. LETTERS OF HORNING raised at the instance of Thomas Dalyell of Bynnis against Alexander, Earl of Linlithgow, for the repayment of 10,000 marks Scots as in wadset in No. 125. Given under the Signet, 21 June 1637. Executed by John Gellie, messenger, at the Market Cross of Edinburgh and the Pier and Shore of Leith, 23 June 1637. The said Earl was denounced rebel at the said places, 29 September 1637.

192. LETTERS OF SUMMONS raised by Thomas Dalyell of Bynnis against Alexander, Earl of Linlithgow, requiring him to compear before the Lords of Council and Session for compt and reckoning anent the intromissions of the mails and duties of the lands of Blacknes. Given under the Signet, 8 July 1637. Executed as in No. 191 by George Gordon, messenger, 15 July 1637.

193. DISCHARGE by John Borthwick, servant of William Dick of Braid, in favour of Thomas Dalyell of Binns, of payment of 216 marks for 5 lawers[1] for small beef. Done at Leith, 4 August 1637.

194. PRECEPT by Thomas Dalyell of Binnis for warning the tenants of his lands at Blaknes to remove at the term of Whitsunday 1638. Dated at Linlithgow, 8 March 1638. Witnesses, John Hart, bailie of Linlithgow, Robert Ker, sheriff and town clerk of Linlithgow, and Mr. Andrew Ker, his son. (Signed) "Tho. Dalyell" and the witnesses.

195. INTIMATION by Alexander Crawfurd, son of Charles Crawfurd, merchant burgess of Linlithgow, in name of his said father, to Thomas Dalyell of Binnis of an assignation by Mr. Andrew Young, minister of Abercorne, to the said Charles of the sum of £50 15 4 Scots, being the teinds payable from the said Thomas's lands in the parish of Abercorne as stipend and for furnishing of the elements of the communion; which sum the said Thomas promised to pay. Done at Edinburgh, 9 June 1638. Witnesses, William Fowrie of Robertone, and Andrew Ker, son of the late John Ker, W.S. Notary, Andrew Ker.

196. LETTER from Thomas Dalyell of Binnis to Alexander, Earl of Linlithgow, concerning the state of accounts between them with respect to Blaknes lands. Dated 29 December 1638.

197. CLAIMS AND RECKONING between the parties as in No. 196 of the mails and duties of Blaknes lands for the years 1634-1638.

198. PRECEPT by Alexander, Earl of Linlithgow, heritable bailie of the lordship of Linlithgowshire, in favour of the said Thomas Dalyell for charging and apprising in respect of arrears of rents due by tenants in Blaknes lands. Dated 7 February 1639; with execution of charge thereon, dated 1 July 1639.

199. EXTRACT REGISTERED DECREE OF TRANSFERENCE by the Lords of Council in favour of the said Thomas Dalyell ordaining letters and execution at the instance of the said Thomas under contract in No. 94 to be pursued against William Levingstoun of Kilsyth, as son and heir of the late Sir William Levingstoun of Kilsyth, who was grandson of the late Sir William Levingstoun of Kilsyth, who was one of the Senators of the College of Justice. Dated at Edinburgh, 27 February 1638.

200. LETTERS OF REQUISITION as in No. 161. Given under the Signet, at Edinburgh, 5 March 1639.

201. INSTRUMENT OF REQUISITION following thereon as in No. 162. Dated at Edinburgh, 6 March 1639. Notary, James Kennowie.

202. DECREE of the Lords of Council in an action at the instance of Thomas Dalyell of Binnis against Alexander, Earl of Linlithgow, John, Earl of Wigtoun, James, Lord Almond, William Levingstoun of Kilsyth and his tutors and curators, if any, in default of payment of the interest on his wadset, viz., 52 bolls of victual from the Maynes of Blaknes and 48 bolls of victual from the 48 acres of the "toun" of Blaknes, for liberty to set the said lands in tack; decerning that in default of the defenders the lands of Blaknes have lain unoccupied for 3 years past, and are likely to remain unprofitable to the pursuer during the non-redemption thereof in respect that the lands were set at such a high rent that no tenant would enter into possession thereof, and that the said Earl of

[1] Accounts.

Linlithgow is "furth of the kingdom and denounced rebel"; the pursuer shall have full power "to input and output tenants" in the said lands in time coming during the non-redemption of the lands. Dated at Edinburgh, 30 March 1639. Extracted *ex libris actorum.*

203. COPY OF COMPT AND RECKONING between Alexander, Earl of Linlithgow, and the said Thomas Dalyell with respect to Blaknes lands. "Subscrived by your Lordship before Robert Levingstoun, constable of Blaknes, Mr. Alexander Cornwall, minister of Morowingsyde, and James Rankain, your Lordships servant, at Linlithgow, 5 November 1639." (Not signed)

204. LETTERS OF SUMMONS as in No. 192. Given under the Signet, at Edinburgh, 17 March 1640. Notary, James Kennowie. Executed at the Market Cross of Edinburgh and at the Pier and Shore of Leith by George Gordon, messenger, 21 March 1640.

205. COPY REGISTERED CROWN SIGNATURE authorising the issue of a charter under the Great Seal in favour of George, Lord Levingstoun, eldest son of Alexander, Earl of Linlithgow, following on his father's resignation of the offices of constable and keeper of the Palace of Linlithgow with the lands attached thereto; of bailie of the lordship of Linlithgowshire; and of constable and keeper of the castle of Blaknes, with the lands of Bonytoun and Blaknes, with the salt-pans, sea fishings, coals and coalheughs, as well without as within the sea flood. Reddendo: for the office of keeper of the palace 1d. blenchferm, if asked; for the parks, peel and loch adjoining the palace 100 marks to be assigned to the said keeper for sustaining and repairing the palace, the said keeper making compt and reckoning with the Exchequer; for the office of bailie 1d. blenchferm; for the office of keeper of the castle of Blaknes with lands, etc., 2d. blenchferm and 26 chalders of coal yearly. Dated at Whitehall, 17 June 1640. Registered, 20 December 1642.

206. COPY of OBLIGATION by Thomas Dalyell of Bins to pay to James Hammiltoun of Grange, tacksman of the teinds of Carriddin parish, a definite sum (not specified) for the teinds of Blaknes lands. Dated at Edinburgh, 1 October 1640.

207. REPORT by Robert Levingstoun, constable of Blaknes, and Alexander Levingstoun, his son, on the salt-pan houses in Blaknes belonging to the Earl of Linlithgow. Done in presence of Thomas Dalyell and others, 12 Oct. 1640.

Note.—The houses were unoccupied and in bad condition.

208. DRAFT LEASE by Thomas Dalyell of Bynnis to James Hendersone in Cauldcoittis and Thomas Hendersone, his son, of all and whole the lands and Maynes of Blaknes with 3 cottar houses and another house and yard in the "toun" of Blaknes; with entry at Martinmas 1640.

209. DECLARATION by George, Lord Forrester of Corstorphine, that any right or disposition which he had from James Hammiltoun of Grange, his son-in-law, of the lands of Grange, Stakis, Muirhouse and Litill Carriddin should not prejudice James Allan's alienation and right to Stakis under disposition in No. 169. Done at the barony court held at the manor-place of Grange, 30 January 1641. Witnesses, John Ronnald, notary public, writer of the deed, and James Hammiltoun in Borrowstounes. (Signed) "Forrester" and the witnesses.

210. DISPOSITION wherein James Hammiltoun of Grange states that he had agreed to dispone to James Allan now of Stakis, by disposition in No.

the seals and coalheughs in Stakis and under the sea opposite the lands thereof, and that therefore he disponeis to him with the same consents as in No. 109 "all and hail the coalis and coalheuchs, als weill great as small, wrone and to be wrone, als weill within as without the sea flud forenent the saidis lands of Stakis and pertinents thairof, with full power to the said James Allan to wrine and caus to be wrine the samis coalis and coalheughs and to break the ground in ony pairt of the saidis lands as weill within as without the sea fluid forenent the samen, and to set down coalheuchs and to mak all uthir engynes necessar for winning the said coalis and transpirting the samen to sea or land, with free gaittis and passages for that effect." Dated at Burgness, 10 June 1641. Witnesses, Robert Stewart,[1] burgess of Linlithgow, Alexander Meirschell, servant to William Dick of Braid,[2] and James Gibsone, skipper in Leith. (Signed) "H. Grange" and the witnesses.

211. DISPOSITION of the same subjects as in No. 210, but with additional narrative that the disponer held an assignation of date 17 April 1633, made to him by Anna Hammiltoun, only child in life of the late Sir John Hammiltoun of Lettrick (by Margaret Hammiltoun, his wife), eldest son of the late Sir John Hammiltoun of Grange, with consent of her curators and of Sir John Hammiltoun of Lettrick, now of Bargame, her grandfather on her mother's side, of all her birthright lands and heritages, formerly pertaining to the said late Sir John Hammiltoun of Grange, or to Sir John Hammiltoun of Lettrick, his son, and pertaining to her at the date of her marriage contract therein mentioned; and that the said Anna took service as heir to the barony of Grange, with saltpans, coals and coalheughs within and without the sea flood, with full power to work the same, united to the said barony by infeftment granted by His Majesty to the said Sir John Hammiltoun, younger, 15 December 1615; and that the said Anna resigned in favour of James Hammiltoun, the present disponer. The present disposition to James Allan with power to work the coals under the sea and opposite Stakkis is dated [*Link*] July 1641. Witnesses, John Finlay and Mungo Marshall, coal grieves. (Signed) "H. Grange, Forrester consents," and the witnesses.

212. ORDER OF COUNCIL to Thomas Dalyell of Bynnis to appear before them on the last day of the month anent the teinds of Blaknes. Dated at Edinburgh, 29 September 1641.

213. COPY OF COMPT AND RECKONING between Alexander, Earl of Linlithgow and Thomas Dalyell anent Blaknes lands. Dated at Berwick, 22 January 1642. Not signed.

214. MEMORANDUM by the said Thomas Dalyell to his son anent the account of his intromissions with Blaknes lands. Dated 24 January 1642.

215. LETTER from the Earl of Linlithgow to the said Thomas Dalyell promising to send his son to discuss and settle affairs anent Blaknes lands. Dated at Berwick, 28 January 1642.

216. PRECEPT OF SASINE *Clare Constat* by James, Earl of Abercorn, superior of the lands underwritten, in favour of Thomas Dalyell, now of Bynnis, son and heir of the late Thomas Dalyell of Bynnis, of the lands of Manerstoun, Bynnis, etc., as in No. 69, with reservation of Duntarvie Myre and the loanings within the bounds of the said Myre. Dated at Cantongatt, 23 April 1642. Witnesses, Peter Algeo, writer, Mr. John

[1] Son of Robert S. in No. 61; afterwards provost of Linlithgow.
[2] Apparently Dick was interested in financing Allan.

Algeo, his son (writer of the precept), Robert Bailyie and Charles Lennox, servants of the granter. (Signed) "Abercorne" and the witnesses. Seal attached.

217. COPY OF SPECIAL SERVICE of Thomas Dalyell, now of Bynnis, as heir to his father, the late Thomas Dalyell of Bynnis, who died in February 1642, in Blaknes lands as in No. 125, lying in the lordship of Linlithgowshire. Done in the sheriff court of Linlithgow, 28 April 1642, before Mr. George Dundas of Maner, sheriff principal, William Hamiltoun and George Bell, sheriffs depute, and these members of assize, Sir John Stirling of Garding, Walter Cornwall of Bonhard, Sir Walter Murray of Livingstoun, Sir John Dundas of Newlistoun, Sir Robert Drummond of Midhope, George Dundas of Dudingstoun, Alexander Hamiltoun of Byning, James Cochrane of Bairbachlaw, David Dundas of Philpstoun, Francis Durhame of Duntarvie, Mr. John Bruce of Wrae, Mr. James Hamiltoun of West Port, Mr. George Dundas of Mortone, George Hamiltoun, chamberlain of Kinneil, and Samuel Drummond of Carlowrie.

Extracted from the Sheriff Court Books by Mr. Andrew Ker, sheriff clerk. Certified to be a correct copy of the principal retour to chancery by Mr. John Ellis, deputy of Sir John Scott of Scottistarvet.

218. (*Fragment.*) PRECEPT OF SASINE from Chancery directed to the sheriff principal of Linlithgow, following on No. 217, for infefting Thomas Dalyell, now of Bynnis, in Blaknes lands. Endorsed (17 May) 1642.

219. INSTRUMENT OF SASINE following on precept in No. 218. Sasine given to Thomas Dalyell on the ground of the lands, mills and salt-pans, 23 May 1642. Witnesses, William Drummond of Riccartone, Robert Levingstone, constable of Blaknes, John Ker, son of the notary, John Moubray, servant of the said William Drummond, and John Abernathie, servant of the said Thomas Dalyell. Notary, Robert Ker.

220. INSTRUMENT OF SASINE following on precept of sasine in No. 216. Sasine given on the ground of the subjects *respective* by Robert Hamiltoun, constable of Blaknes, 23 May 1642. Witnesses as in No. 219, with the addition of Andrew Robertsone, servant of the said William Drummond, and omitting the constable. Notary, Robert Ker.

221. COPY OF PRECEPT OF *Clare Constat* by Alexander, Earl of Eglintone, superior of the lands underwritten, directed to Hugh Muir of Thorntone,[1] to infeft Robert Mure, now of Cauldwell, as heir to his father, the late Robert Mure of Cauldwell, in the lands of Ramsheid, Bigert[2] and Litlehigait[3] and the mill thereof, extending to £10 lands of auld extent, and lying in the lordship of Giffen by annexation, in the bailliary of Kyll-Steward and sheriffdom of Air; to be held in blench of the said Earl for payment for Ramsheid of a cream cheese, and for Biggart and Litlehighgait of a pair of spurs. Sasine to be given by delivery of earth and stone and of the "clapper" of the mill. Written by George Garven, servant of Robert Broun, clerk of the bailliary of Cunynghame. Dated at Eglintone, 15 August 1642. Witnesses, William Mure of Glandirstoun,[4] Thomas Nevin of Monkriding,[5] and the said clerk and his servant.

222. VISITATION and MARCHING of the marches of Blaknes lands and Stakkis by Alexander, Earl of Linlythgow, for himself and in name of the Earl of Callender, his brother, as donatour of the gift of escheat and

[1] In the parish of Kilmaurs.
[2] Now Biggart.
[3] Little Highgate in the parish of Beith.
[4] In the parish of Neilston.
[5] In the parish of Kilwinning.

liferent at the said Earl, and by William Drummond of Riccarton in name of Captain Thomas Dalyell of Bynnis, his brother in law, for their rights to the lands of Blaknes, and by James Allan of Stakkis, heritable proprietor of the lands of Stakkis. After hearing witnesses, they caused "march and mitay mas marche stones, viz., begun and at the southmost march from the highway leading to Gangfoott wher the eastmost rigg of the said James Allanes land ther is cutt and divydit at the foot thairof, and thairfrae northward to the mid or way betwix the said lands of Blaknes and Stakkis with march stones thairout ill, all along is eastward to the marche betwix the same lands, and thairfrae direct northward be the said marche to the sea." Done at Stakkis, 18 May 1643. Witnesses, Lieutenant-Colonell Milne, Captain William Hamilteum, Andrew Milne, elder, and David Carmichell, late constable of Blaknes, all burgesses of Linlithgow. Notary, Patrick Maine.

223. INSTRUMENT OF RESIGNATION by James Hammiltoun, now of Grange, following on disposition in No. 211. Done in the New Exchequer House in Edinburgh, 6 Dec. 1643. Notary, Hugh Ross.

224. CROWN CHARTER under the Great Seal,[1] following on resignation in No. 223, granting power to work the coals under the sea. Dated at Edinburgh, 6 December 1643. Fragment of Great Seal attached.

225. PRECEPT OF SASINE under the Great Seal, following on charter in No. 224, and of the same date. Quarter Seal attached.

226. INSTRUMENT OF SASINE following on precept of sasine in No. 225. Sasine given on the ground, 26 January 1644, by Robert Henderson, merchant burgess of Edinburgh, sheriff in that part. Witnesses, William Waddie and Andrew Or in Bonhardpannes, Alexander Marschell in Bigneis and Thomas Robert in Stakkis. Notary, Hugh Ross.

227. EXTRACT REGISTERED DISPOSITION by John, Earl of Lowdoun, Chancellor of Scotland, in favour of Thomas Dalyell of Bynnis, for payment of £131 : 5 : 10 of all teinds addebted to His Majesty from his lands of Bynnis, etc., lying in the parish of Abercorne and sheriffdom of Linlithgow, and from the lands of Combstoun, lying in the parish of Morwingsyd and sheriffdom of Stirling. Dated at Edinburgh, 20 May 1644. Registered in the Books of Exchequer, 15 May 1645.

228. RATIFICATION by the Estates of Parliament of charter in No. 224 of all coals, coalheughs, great and small, won or to be won within or without the sea flood before the lands of Stakkis as in No. 210. Dated at St. Andrews, 3 February 1646. Extracted from the Records of Parliament.

229. DISCHARGE OF QUARTERING by Sir James Maxwell, major to the General of Artillery Regiment, for three soldiers of the regiment quartered on the Earl of Linlithgow's land at Blaknes. Dated at Grangpanes, 27 August 1646.

230. PRECEPT OF *Clare Constat* by Hugh Mure, brother german of the late Robert Mure of Cauldwell, who was superior of the lands underwritten, and curator of James Mure, now of Cauldwell, son of the said Robert, directed to Thomas Steinstoun in Greenhillie, to infeft William Mure,[2] now of Glandirstoune, as heir to his father, the late William Mure of Glandirstoune, in the five mark lands of auld extent of Eister Glandirstoune, lying in the lordship of Darnhie and sheriffdom of Renfrew, in

[1] *R. M.S.* under date.

[2] He married Euphemia Mure, eldest daughter of the late Robert Mure of Caldwell. (Contract, 22 January 1647, *penes* Mr. William Armstrong, Gilnockie, West Kilbride.) [Now deceased.—ED.]

principal, and the 5 mark lands of Dunnyflattis,[1] lying in the bailliary of Cunnynghame and sheriffdom of Ayire in warrandice. To be held blench for payment of 4d. yearly. Dated at Glasgow, 27 January 1648. Witnesses, Robert Pollok of that Ilk, John Pollok of Balgray, James Rae, merchant burgess of Glasgow, and Robert Merschell, notary of Glasgow. (Signed) "Hew Mure" and the witnesses. Seal wanting.

231. INSTRUMENT OF SASINE in favour of James Mure of Caldwell as heir to his father, the late Robert Mure of Caldwell, in the 5 mark lands of Glandirstoune, lying in the lordship of Darnlie, in the parish of Nilstoun and in the barony and sheriffdom of Renfrew; following on precept of *clare constat* by William, Earl of Glencairne, Lord Kilmares, etc., Alexander, Earl of Linlithgow, Lord Livingstoun, etc., David, Earl of Southask, Lord Carnagie, etc., John, Earl of Traquaire, Lord Lintoune and Caverstoune, Archibald, Lord Angus, Sir William Cochrane of Caldune, and Mr. Robert Bruce of Geelettie, advocate, commissioners for the superior James, Duke of Lennox and Richmond, Earl Darnlie, Lord Methven and Obigne[2] (*sic*), High Admiral and Chamber'ain of Scotland, directed to Thomas Steinstoune in Greinhille,[3] and dated at Edinburgh, 9 January 1647. Sasine given on the ground to John Pollok, elder in Greinhille, attorney for the said James Mure, 21 March 1648. Witnesses, John Fultone in Glandirstoune, Archibald Maccunnell, there, John Patoune in Glandirstoune Dyke and William Nilsoune, there. Notary, Thomas Robisone.

232 EXTRACT REGISTERED DISPOSITION by Colonel Thomas Dalyell of Bynnis in favour of William Drummond of Riccartone and Magdalen Dalyell, his wife, sister of the said Colonel Thomas, of the lands of Bynnis, etc., as in No. 69, the lands of Blaknes as in No. 125, and the lands of Cumpstane,[4] lying in the parish of Morrowingsyd and sheriffdom of Stirling; containing precept of sasine directed to Robert Hamilton, constable of the castle of Blaknes, and Mr. James Hamilton of West Port. Witnesses, John Buchannane of Sheriffhall, Thomas Forrest, W.S., and Archibald Haistie, his servant, writer of the deed. Dated at Edinburgh, 22 November 1648. Registered in the Books of Council and Session, 6 Sept. 1649.

233. EXTRACT REGISTERED ASSIGNATION by Colonel Thomas Dalyell of Bynnis in favour of William Drummond, etc., as in No. 232, of the house of Bynnes and houses pertaining thereto with their plenishing, with full power to intromit with his affairs. Dated at Edinburgh, 22 November 1648. Witnesses as in No. 232. Registered in the Books of Council and Session, 2 Nov. 1649.

234. INSTRUMENT OF RESIGNATION of the lands of Bynnis, etc., following on disposition in No. 232, in the hands of James, Earl of Abercorne, etc., in favour of the disponees. Done at the Foot of the Cannongaitt, in Mr. John Tailyeour's dwelling-house on the north side of the High Street thereof, 21 December 1648. Witnesses, Thomas Hammiltoun, servant of the said Earl, and Francis Haig, servant of the said Mr. John Tailyeour. Notary, John Kennedy.

235. CHARTER by James, Earl of Abercorne, etc., in favour of William Drummond of Riccartone and Magdalen Dalyell his spouse, following on precept of resignation in No. 234; containing precept of sasine directed to Sir Robert Drummond of Meidhope. Dated at Cannongait, 21 December 1648. Witnesses, Sir Alexander Hammiltoun, brother of

[1] Duniflat near Lugton, Ayrshire.
[2] Lord D'Aubigny. See *Scots Peerage*.
[3] In the parish of Beith.
[4] Compston.

the grawter, James Levingstoun, son of the late Sir Henry Levingstoun, and Mr. John Algeo, writer of the charter. (Signed) "Abercorne" and the witnesses. Seal wanting.

236. INSTRUMENT OF SASINE following on disposition in No. 232. Sasine given on the ground of Blaknes lands, mills and salt pans to William Heart in Riccartoun, attorney for William Drummond of Riccartoun, and to John Hendersoune in Maurestoun, attorney for Magdalen Dalyell, 27 December 1648. Witnesses, Thomas Dick in Law, Patrick Robertsoun in Blaknes, Robert Stewart, there, and James Adam, servant of the constable of the castle of Blaknes. Notary, Mr. Andrew Ker.

237. INSTRUMENT OF SASINE following on charter in No. 235. Done on the ground, 8 January 1649. Witnesses, John Hendersoune in Maurestoun, John Stein, servant of William Drummond of Riccartoun, Arthur McCollay, gardener in Bynnis, and Humphrey Colquhoun, servant of the bailie. Notary, Mr. Andrew Ker.

238. ACCOMPT: the Laird of Riccartoun for Bynnis to Mr. John Algeo.

Deberset be the comptar: Imprimis, in Instrumentis at the making of Bynnis his resignation to My Lord of Abercorne of the lands of Bynnis, etc.	00 : 12 : 00
Item for parchement and Waly to the said Lordis Chartour to Riccartoun upon that resignatione.	02 : 00 : 00
Item for parchement to the instrument of the said resignatione	00 : 18 : 00
Item to the notar for subscriving the instrument of the said resignatione doubling it for registrating in his prothogall buik and for registrating it tharintil: all.	05 : 10 : 00
Item for registrating Riccartouns seasine of Bynnis, etc., in payment and drinkmoney to Mr. Francis Hay and his servand; it being longe, 2 dollars and a halfe.	06 : 17 : 06
Item for registrating the twa seasines of Campstoun and Blaknes to the said Mr. Francis and his servand, 2 dollars and halfe a crowne.	07 : 00 : 00
Summa tota	22 : 16 : 06 (*sic*)

The making of the forsaid resignatioune; the forming of the instrument tharof and wrytting the samen upon parchement; the forming and wrytting the chartour thairupon in latine being very longe and the registrating tharof in the said Lord Abercorne his Register, And apperding the Earle his seall thairto, And the comptaris paines In the particularis herein contenit, The comptar referris thame all to the Lairdis awin discretion.

Receavit be me, Mr. John Algeo, fra William Drummond of Riccartoun in satisfactioune of this accompt for debursements, paines and utheris thairin contenit, Ane hundreth markis Scottis, At Edinburgh, the second day of Marche 1649 yeirs. (Signed) "John Allgo." Endorsed:—Accompt: the Laird of Riccartoune Drummond for Bynnis to Mr. John Algeo: Marche 1649.

239. COMMISSION[1] by Sir George Munro, Major-Generall, to Colonel Thomas Dalyell.

These are giveing full power and authority unto Collonall Thomas Dalyell to lett and dispose of the whole customes henceforth growing due out of the severall Portis and Creekes of Carrickfergus, Handmagee, Olderfleete, Glenarme, and all other places and Creekes within the

[1] 1 Augt. 1649.

precincts of the Quarters belonging unto the late Generall-Major Robert Munro his Regiment, and to imploy such officers in the Customehouse as he shall thinke fitt to intrust for manageing and dischargeing the said imployment, and the said officers to displace and putt off the imployment whensoever he shall see cause, supplying the same with other fitt men in their places. He, the said Collonall Thomas Dalyell, making a perfect accompt unto me of the whole profittes of the said customes, whensoever he shall thereunto by me be called or required. Given at Colerain, the first of August 1649. (Signed) "G. Munro." Endorsed:—Commission Generall Munro to Coll. Thomas Dalyell.

240. Copy of Disposition by George, Earl of Linlithgow, with consent of John, Earl of Wigton, and John, Lord Fleming, his son, and of William Drummond of Riccartoun in favour of Matthew Caldhame in Blaknes and Marion Henderson his wife, for £125 Scots, that house and yard in Blaknes presently possessed and occupied by Janet Wood, bounded by the house and land possessed by John Drysdaill on the east, the house of Robert Adie on the west, the stone dykes presently standing on the south and north, extending to 1 rood 10 falls of land, with the teind sheaves thereof; with liberty to build houses thereon; and free liberty and passage to the sea ebbing and flowing "foreanent the said house and yard"; and with liberty to cast divot on the common moor of Blaknes yearly as will serve to thatch and uphold the houses that shall happen to be built on the said yard; lying within the lordship of Linlithgowshire, parish of Carriden and sheriffdom of Linlythgow: To be held of the said Earl for the yearly payment of 10 pennies Scots and 6 hens: and with obligation to take his "haill cornes grindable" to the said Earl's mill at the Park of Linlithgow and to pay "outten townis moulter therefor as outtintownis men does"; and double the said silver duty at the entry of every heir or assignee. The said Matthew also binds him to be ready with his person and weapons to defend the castle of Blaknes when required. Dated at Blaknes, 31 October 1649. Witnesses, James, Lord Ocheltrie, Robert Levingstoun, constable of Blaknes, and Samuel Agnew, servant of the disponer.

241. * By the Right Honourable the Lord President of Connaght, Commander-in-Chiefe of Ulster.

Whereas the bearer hereof, Colonell Thomas Dalyell, by virtue of the Capitulation made with him for surrender of the towne and castle of Carrickfergus was to transport himself whithersoever he pleased, these are to will and require all under my Command to permitt him to imbarque himself in any Port within the Province of Ulster, and all officers and soldiers under Command of the Parliament of England are hereby pray'd and desyr'd not to molest him in his voyage unto —— he demeasning himself fayrely and caryeing nothing prejudicial to the State. Given under my hand the 15th of August 1650. (Signed) "Cha. Coote." Endorsed:—Gen. Dalyell pass out of Ireland, 1650.

242. Copy of Instrument of Sasine in favour of James Mure now of Cauldwell, as heir to his elder brother, the late Robert Mure of Cauldwell, in the 10 mark land of auld extent of Thorntoune, with tower, mill, etc., lying in the bailliary of Cunynghame and sheriffdom of Air; following on precept of *clare constat* by the superior, Alexander, Earl of Eglintoune, Lord Montgomerie and Kilwynning, directed to Robert Miller in the mill of Thorntoune, and dated at ——, 9 August 1650. Sasine given on the ground by delivery of earth and stone and the clapper of the mill to Robert Mure, son of the late Robert Mure, who was brother german of Hugh Mure of Thorntoune, attorney for the said James Mure now of Cauldwell, 5 April 1651. Witnesses, David Auld in Kirkland, David Myllar, there, James Dunlop in Thorntoune and James Brown, there.

243 * COMMISSION by Charles II to Colonel Thomas Dalyell. (Superscribed) Charles R.

Trusty and wellbeloved we greete you well. You have been represented a person of greate abilitie and very worthy of charge in our Forces. Therefore we have apoynted you to be one of the General Majors of our Armie for the Feilde. We doubte you will speedily repaire hither to Leiter on parteccipasion of that Employment. Because upon the 12th of this month we have apoynted the Armie shall drawe into a Campe. We are very confident you will be worthy of the Trust we have conferred upon you, and expect that as upon other occasions you have given the proofe of manlie courage, abilitie and faythfullnes, soe serve to the our service and the Kyngdomes a greate increase will apeare. Soe wee bid you hartily farewell. Given att our Court att Sterline the tenth of May 1651, and in the third yeare of our Raigne.

Addressed: To our Trustie and Wellbeloved Colonell Dalyell of Binns. 1651.

244 (*Extract.*) COPY OF SPECIAL SERVICE AND RETOUR of William Muir, now of Caldwell, as heir to his elder brother, the late James Muir of Caldwell, who died in March 1654, in the 5 mark lands of auld extent at Easter Caldwell[1] with tower, etc., the 5 pound land of auld extent of Knockmaados,[1] all lying in the barony and sheriffdom of Renfrew; also in the 5 pound land of auld extent of Knockewart,[2] and in the 5 pound land of auld extent of Danyflatte,[3] lying in the baillary of Cunynghame and sheriffdom of Air; also in the £6 : 13 : 4 land of Kittoksyde,[4] lying in the barony of Kilbryer and sheriffdom of Lanerk; with one saume to be taken on the land of Knockmaados. The said lands are now holden in chief of Oliver, Lord Protector of the Commonwealth of England, Scotland and Ireland and Dominions thereto belonging, in place of the late King, the Prince or Steward of Scotland and baron of the barony of Renfrew. Done at Paisley, in the tolbooth thereof, 14 July 1654; before Hugh Wallace, burgess of Paisley, sheriff depute of Renfrew, and these Commissioners:—Dr. William Wallace, John Hamiltoun of Blackhill, Robert Alexander of Blackhous, James Ross of Thomscrigge, John Wauss of Woodside, James Stewart, styled of Caverisbank, Hugh Maxwell of Braidland, Alexander Cleland in Dornemdryde, Thomas Maxwell in Cordrone, John Park in Auld Cruiksbrae, Hugh Blair, John Wallace, writer, John Patersone, surgeon, Alexander Muir, younger, and Adam Stewart, burgesses of Paisley. Extracted by Robert Fork, notary public and sheriff clerk of Renfrew. Collated and certified by Mr. William Clerk, depute of Sir William Kerr of Hadden, Director of Chancery.

245 * HOLOGRAPH LETTER from King Charles II to General T. Dalyell.

Colen,[5] Decr. 30, 1654.

Tom Dallyel,—Though I need say nothing to you by this honest bearer Cap. Mewes who can well tell you all that I would have you sayed, yett I am willing to give it you under my owne hand that I am very much pleased to heare how constant you are in your affection to me, and in your endeavers to advance my service: we have all a harde worke to do, yett I doubt not, God will carry us through it, and you can never doubt that I will forgett the good part you have acted, which trust me shall be well rewarded whenever it shall be in the power of your affectionate frird. (Signed) Charles R.

Addressed:—For Tom Dallyel. Endorsed (in another hand):—King Charles His kynd letter to Gen. Dalyell wryt with the King's own hand, 30 Decr. 1654.

[1] In the parish of Newton.
[2] In the parish of Ardrossan.
[3] Dunflat in the parish of Dunlop.
[4] Kittochside near Busby.
[5] Cologne.

246. (*Vernacular.*) COPY OF PRECEPT OF *Clare Constat* by Alexander, Earl of Eglintoun, etc., superior of the lands underwritten, directed to James Dickie, to infeft William Mure now of Cauldwell, as heir to his brother, the late James Mure of Cauldwell, in the lands of Thorntoun, described in No. 242. Dated at Eglintoun, 7 April 1655.

247. Whereas the Estate of Binns, belonging to Major-General Dyell, has been under sequestration for the years 1652 and 1653, and is now claimed by William Drummond, laird of Rickerton, and whereas the Commissioners of Sequestration have ordered the said William to continue in possession thereof for these years, upon security to have the rents forthcoming in case his rights thereto be not approven by the Commissioners for determining claims, the said William Drummond as principal, and Sir Archibald Sterlinge as cautioner, bind and oblige them to His Highness the Lord Protector for payment of the sum of £200 sterling to be accompted, if need be, to the Commissioners at Leith for the rents of Binns for the said years. Dated at Leith, 9 August 1655. Witnesses, William Welch and John Lawrie. (Signed) "W. D. Riccartoun" and the witnesses.

248. * Original in Latin.[1] (*Translation.*) Charles the Second by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, etc. To the most Serene, most Potent, most Illustrious, and most High Emperors, Kings, Princes, Dukes, Marquesses, Ministers of State, Earls, Barons, Rulers, and their Deputies, Governors of Camps, Fleets, Provinces, Cities, Citadels, Towns, Ships, Rivers, Ports, Roads or Bridges, and all others to whose friendly hands these our present letters shall come, Greeting. Since our faithful and well-beloved subject, the Noble and Serene D. Thomas Dalyell, Lieutenant-General of Foot in our Armies, serving valiantly against our conspiring and rebellious subjects, has very frequently given us examples of brave spirit, unwavering loyalty, wonderful wisdom and military craft and skill, and has deserved well of us ; and since he has enrolled his name for exercising his valour in the service of other princes, we recommend him to each and all, under whose government or jurisdiction he shall come, and ask that they be willing to assist him with all kindness, patronage and courtesy, and that they, estimating him according to his merits, will condescend to advance his efforts, and moreover that they will grant safe and free power to pass, go, cross, return and dwell by sea or land, to him with his servants, horses, arms and all his other possessions, just as if they would do a favour to us ; so, given the opportunity, we shall repay a like kindness. Given at Cologne, 17 August 1655, and of our Reign the seventh year. (Signed) Charles R. Endorsed.—Pass and kindly recommendation by King Charles the 2nd to Generall Thomas Dalyell.

249. * Original in Latin.[2] (*Translation.*) Charles, etc., as in No. 248, To the Most Illustrious and Noble Prince and Lord John Radzivill, Prince of the Holy Roman Empire, Chamberlain of the Grand Duchy of Lithuania, Duke of Bierza and Dubincka, Commander of the Armies of Poland, our dearest Friend and Cousin, Greeting. Most Illustrious and Noble Prince, our dearest cousin and friend, our faithful and well-beloved subject, the noble and intrepid Thomas Dalyell, Lieutenant-General of Foot, is travelling to Poland, and since you have decided to enrol his name in the service of the Most Serene and Potent King of that Country, our dearest brother, and since he has served us with unswerving loyalty, exemplary wisdom and courage, while holding the said command in our Armies, We are unwilling to send to Your Excellency without letters in which we recommend to the same favour

[1] Latin version printed in *Hist. MSS. Reports*, ix, 2·234.
[2] See note to No. 248.

and protection, a man who has so well deserved of us; and so we request your Excellency, in keeping with your influence and favour, to be willing to accept his services, so far as is convenient to you, and to give him a command in your Armies worthy of his valour and military skill. By which kindness not only will you bind him to you, but if opportunity offers, I shall diligently return the favour. Given at Cologne, the 17 of August 1655, and of Our Reign the seventh year. Your Excellency's Good Cousin. (Signed) Carolus R.

250 * Original in Latin[1] a Copy. (*Translation.*) A LETTER in terms as in No. 249, addressed to the King of Poland. Dated as in No. 249.

251 Original in Latin; a Copy. (*Translation.*) LETTERS OF RECOMMENDATION by Charles II in favour of General William Drummond,[2] in terms similar to No. 249, addressed to the King of Poland and to Prince Radzivill. Dated as in No. 249.

252. OBLIGATION as in No. 247 by William Drummond of Riccarton for the rents of Binns for the year 1654. Dated at Linlithgow, 17 September 1655. Witnesses, Robert Stewart, provost of Linlithgow, and Alexander Bell, writer hereof. (Signed) "W. D. Riccartoune" and the witnesses.

253. (*Kyle-Stewart.*) REGISTERED COPY of an INSTRUMENT OF SASINE in favour of William Mure, now of Caldwell, as heir to his brother, the late James Mure of Caldwell, in the 5 mark lands of auld extent of Eistir and Westir Coudames,[3] lying in the parish and barony of Symontone, bailliary of Kyle-Stewart and sheriffdom of Ayre; following on precept of *clare constat* by the superior, William, Lord Cochrane of Paisley and Dundonald, directed to Matthew Neill in Coudames, and dated at Paisley, 14 Sept. 1655. Sasine given on the ground to Thomas Robisone in Corsbarne of Caldwell, attorney for the said William Mure, 2 Oct. 1655. Witnesses, Thomas McSpeddane, John Neilsoun, servant of the bailiff, Andrew Allan, and John McKriterey, servant to John Smelie in Elmytoun. Notary, Robert Broune. Registered in the Sheriff Court Books of Ayre, 9 October 1655.

254 Original in Latin. (*Translation.*) LETTER OF RECOMMENDATION by Charles II, etc., in favour of Lieut.-General Thomas Dalyell, addressed to "John Casimir, by the Grace of God, King of Poland, Grand Duke of Lithuania, Russia, Prussia, Massovia, Samogitia and Livonia, and Hereditary King of the Sueci, Goths and Vandals, our dearest Brother, Cousin and Friend," in terms similar to those in No. 249. Dated at Cologne, 17 April 1656. (Signed) "Carolus R."

255. COPY in Russian, with an English translation, of a Letter of Recommendation by Charles II in favour of Lieutenant-General Thomas Dalyell, addressed to Alexis Michaelovitch, Czar of All the Russias, etc., in terms of the recommendation in No. 249. Date and signature as in No. 254. The Russian copy is certified by Theodore Luders of the Russian Embassy in London, 30 March 1762.

256. OBLIGATION as in No. 247 by William Drummond of Riccartoun for the rents of Binns for the year 1655. Dated at Linlithgow, 22 June 1656. Witnesses, Sir Archibald Stirling of Garden, and Mr. James Hamiltoun of West Port. Written by Andrew Crawfurd, servitor of Mr. Andrew Ker, sheriff and town clerk of Linlithgow. (Signed) "W. D. Riccartoune" and the witnesses.

[1] See note to No. 248.
[2] Appointed member of the Privy Council 3 Jan. 1667.
[3] Now Coodham near Symington, Ayrshire.

257. REQUEST by William Keir for payment of 50 merks "of vicarage" for the teinds of the lands of Blaknes, preceding the year and crop of 1650, payable to his deceased father for whom he is executor. He also gives informal notice of an action to be raised before the "Council of State" for payment of a proportional part of £1,000 Scots for the minister's manse, payable from the lands of Blaknes, Caldcoittis, Waltoun and Grugfutt. Dated at Borrowstones, 30 March 1657. (Signed) "William Keir."

258. EXTRACT ACT of the Session of Abercorne.

"24 February 1658. Sederunt Georg Dundas of Duddingstone, Sir Robert Drummond of Midhope, William Monteith of Redoch, Alexander Mikell, Patrick Borthik, Walter Brash, John Cuningham, with the minister, Mr. Robert Row.

"The quhilk day William Drummond of Riccartone represented to the session how the presbyterie with consent of Mr. Robert Row, present minister, at the visitation of the Kirk of Abercorne, Aug. seventh 1644, had granted unto him in name of Thomas Dalyell of Binns to build a stable betwixt the north end of the minister's house possest be John Bartalmoe unto the high way leading to the Kirk, as the extract of the said act produced by the said laird of Riccartoune att more length proports, and now finding that his eldest son and his daughter-in-law with the wholl familie wants accommodation betwixt sermons on the Lord's Day, the said William Drummond of Riccartoune desired in his own name that seeing now the lands of Binns did belong to him and to his airs that he may have libertie to bring out the wast wall for a chimnay about ten or twelve inches a litle above the louping-on-stone with speciall provision that the casey shall suffer no prejudice. The quhilk desire, after some gentlemen of the session had been upon the place and considered the equitie thairof, that after the stable wes divided and the wester side of itt made a chalmer for accommodation forsaid, it mycht have a chimnay, the whole session did willinglie and most unanimouslie assent unto the forsaid desire.

Extracted this seventh day of June 1658 by me, John Gillies, session clark."

259. EXTRACT REGISTERED RENUNCIATION by John Dundas, eldest son of the late Mr. George Dundas of Maner, with consent of Margaret Levingstoun, his mother and curatrix, and of Walter Dundas of that ilk, and of George Dundas of Duddingstoun, whereby "he renunces to be air or to enter as air to his said deceased father," which to do he had been charged by William Monteith, portioner of Reddoche. Dated at Stainhill, 18 May 1658 Witnesses, George Hammiltoun, eldest son of Alexander Hammiltoun of Pairklie, John Breitch, servant to the said Margaret Levingstoun, and James Baxter, notary public; and at Dundas the same date; witnesses, Gasper Hoome in Bearhaven, George Mairtein, servant to George Dundas of Duddingstoun, and Gilbert Stewart, servant to the Laird of Dundas, elder. Registered in the Sheriff Court Books of Linlithgow, 20 May 1658.

260. DECREE *Cognitionis Causa* in favour of William Menteith, portioner of Reddoch, in an action raised by him as assignee, before George Dundas of Duddingstoun, sheriff principal of Linlithgow, against John Dundas, eldest son and apparent heir of the late Mr. George Dundas of Maner, charging the said John to enter himself as heir to his late father, who died in September 1653. The pursuer was assignee of a bond granted by the late Mr. George in favour of Jean Levingstoun, widow of Mr. James Menteith, portioner of Reddoch; also in a sum of 5000 marks, being the tocher under the late Mr. George's bond of provision, in terms of marriage contract of date 16 January 1655 between the pursuer and

Margaret, eldest daughter of the late Mr. George Dundas, with consent of Margaret Levingstoun, her mother; also in sums of money bequeathed by the said Mr. George Dundas to his other daughters, Elizabeth, Isabell, Jean and Margaret; and also in several other bonds—the whole amounting to £1,314 marks seven shillings and eight pence: Decerning that the said John Dundas renounces his entry as heir aforesaid. Dated at Linlithgow, 18 August 1658.

261 EXTRACT DECREE OF ADJUDICATION by the Commissioners for the Administration of Justice in Scotland in an action raised by William Monteith, portioner of Ledloch, following on No. 260; decerning a precept of sasine to be issued from Chancery to infeft the pursuer in the late Mr. George Dundas's lands of Manet, lying in the parish of Logie and sheriffdom of Perth; in the lands of Cauldcoatts, lying in the parish of Cairnden and sheriffdom of Linlithgow; in the lands of Stainhill and Smithfield, lying in the parish of Abercorne and sheriffdom of Linlithgow; in the lands of West Law and Newhouses with a house and yard at the west end of Queensferrie in 5 acres there; in the rigs of Newtoun Bigg, next Stainhill; in the lands of —— called Whytlawhaugh in the parish of Abercorne; and in a house in Queensferrie. Dated at Edinburgh, 8 December 1658. Extracted from the Court Books.

262 EXTRACT REGISTERED BOND by Elizabeth *alias* Elspeth and Marion Allan, daughters of the late (*ut*) James Allan of Stakis, in favour of Robert Simpsone, merchant burgess of Edinburgh, wherein they oblige them to repay to the said Robert the sum of 7,000 marks Scots with £600 of liquidate expenses. Dated at Edinburgh, 18 December 1658. Witnesses, Mr. Andrew Wishart, minister of Kinneil, John Hendersone, servant of Mr. Andrew Abernethie, and Alexander Levingstoun, writer of the deed. Registered in the Books of Council and Session, 2 December 1665.

263 LETTERS OF INHIBITION at the instance of Elizabeth Allan, widow of John Falconer, mariner in Burrowstounness, Margaret Allan, wife of George Gibb, mariner there, and Marion Allan, indweller in Edinburgh, children of James Allan of Stakes and his first wife, the late Jean Hendersone, daughter of Robert Hendersone at Brigneis, with consent of the said George Gibb and Agnes Hendersone, wife of Robert Simpsone, merchant in Edinburgh, who have raised an action before the Commissioners for Administration of Justice in Scotland against the said James Allan of Stakes, Christian Milne, now his wife, and Andrew, James, Thomas, George, Robert, Christian and Issobel Allan, his children by his second marriage; seeking decree that the terms of the contract of marriage in No. 121 should apply to the acquisition by the said James of the lands of Stakes; therefore inhibiting and discharging the defenders from disponing or wadsetting any part of the said lands pending the settlement of the said action. Given under the Signet at Edinburgh, 26 January 1659. Executed, 1 February 1659.

264 DISPOSITION by James Allan of Stakis in favour of Robert Milne,[1] merchant burgess of Linlithgow, of the lands of Stakis, with coals, etc., as in No. 169; to be held blench of the disponer, containing precept of sasine directed to James Gilchrist. Dated at Brigneis, 31 January 1659. Witnesses, George Bell, younger, merchant burgess of Linlithgow, James and George Hendrie, sons of John Hendrie, wright in Brigneis, and James Walker, son of George Walker, collier in Brigneis. (Signed) "At command of the above designed James Allan who cannot wrytt himselfe as he affirmed, I, Alexander Bell, notary public, inserter of the

[1] Afterwards Sir Robert Milne of Barnton.

date and witnesses, affirme the premises to be the truth by thes my signe and subscription, A. Bell and William Leverence, notaries," and witnesses.

265. (*Vernacular.*) INSTRUMENT OF SASINE following on disposition in No. 264. Sasine given on the ground, 7 February 1659. Witnesses, Robert Stewart, burgess of Linlithgow, James Johnstoun in Stakis and William Pattersoun, there. Notary, Andrew Crawfurd. Notary's motto:—"Rather dead than spotted."

266. VERBATIM COPY of INVENTORY[1] of the WRITS of the lands of Grougfutt,[2] *c.* 1659.

1. Instrument of Sasine *propriis manibus* given by John Cochrane, son and heir of the late William Cochran, to Allan Cochrane, his uncle. Dated 19 January 1476/7.
2. Charter by John Cochran to Stephen Lockhart. Dated 4 February 1477/8.
3. Crown Charter of Confirmation of No. 2 under the Great Seal. Dated 25 June 1482.
4. Instrument of Resignation and Renunciation by Allan Cochran to Stephen Lockhart of his right of property. Dated 29 April 1482.
5. Charter under the Great Seal[3] to Allan Lockhart, son and heir apparent of Stephen Lockhart. Dated 11 November 1486.
6. Precept of Sasine under the Quarter Seal following thereon. Dated 22 November 1486.
7. Instrument of Sasine following thereon in favour of Allan Lockhart, son and apparent heir of Sir Stephen Lockhart, His Majesty's armour-bearer. Dated 27 April 1487.
8. Retour of Alexander Lockhart of Cleghorne. Dated 25 October 1533.
9. Instrument of Sasine in favour of the said Alexander as heir to his father, Allan Lockhart. Dated 5 November 1533.
10. Instrument of Sasine in favour of Mungo Lockhart, as heir to his father, the said Alexander. Dated 17 April 1586[4] (*sic*).
11. Precept of Sasine in favour of Allan Lockhart and Elizabeth Ross, his wife, upon a charter under the Great Seal,[3] following on the said Mungo's resignation. Dated 23 March 1582/3
12. Procuratory of Resignation of the lands therein mentioned by William Glen in favour of John Glen. Dated 25 July 1503.
13. Instrument of Resignation in favour of John Glen. Dated 1503.
14. Charter of Resignation under the Great Seal following thereon. Dated 16 November 1503.
15. Precept of Sasine following thereon of 11s. land of Grugfoot. Dated 16 November 1503.
16. Instrument of Sasine following thereon. Dated 20 July 1504.
17. Instrument of Sasine in favour of Patrick Glen. Dated 1 April 1540.
18. Instrument of Sasine in favour of William Glen. Dated 20 December 1562.
19. Instrument of Resignation by William Glen in favour of William Bartilmo. Dated 25 March 1573.
20. Charter by William Glen following thereon, to be held simple ward of the King. Dated 25 March 1573.
21. Instrument of Sasine following thereon of same date.
22. Charter of Confirmation under the Great Seal[5] to William Bartilmo, son of Robert Bartilmo, of his 8s. lands of Grugfoot. Dated 2 February 1573/4.
23. Instrument of Sasine following thereon. Dated 19 August 1598.

[1] The writs are not among the Binns Papers.
[2] Described as the 50s. lands of Grougfoot in *R.M.S.* 12 May 1546
[3] *R.M.S.* under date.
[4] 1568. (*Exchequer Rolls*, vol. 20, p. 387).
[5] *R.M.S.* under date.

24. Charter by William Bartholomew, son and heir of William Bartholomew, portioner of Grugfoot, to Patrick, his brother. Dated 20 February 1605.
25. Brieve of Chancery for serving the said Patrick heir to his brother.
26. Instrument of Sasine following thereon. Dated 4 November 1613.
27. Instrument of Sasine of the lands therein mentioned in favour of Janet Broun, as heir to Thomas Broun her father[1]. Dated —— January 1547.
28. Charter by the said Janet[2] one of the heirs portioners of Thomas Broun, portioner of Grugfoot, in favour of Alexander Bartholomew in Calceats of her fourth part of the 20s. lands of Grugfute. Dated 30 July 1547.
29. Precept of Sasine following thereon of same date.
30. Instrument of Sasine following thereon. Dated 20 October 1547.
31. Instrument of Sasine in favour of Beatrice Brown, another daughter of Thomas Broun. Dated 21 May 1547.
32. Charter by the said Beatrice in favour of the said Alexander Bartholomew. Dated 30 July 1547.
33. Precept of Sasine following thereon of same date.
34. Instrument of Sasine in favour of Katherine Brown, another daughter of Thomas Brown. Dated in May 1547.
35. Charter by her to the said Alexander Bartholomew. Dated 30 July 1547.
36. Precept of Sasine following thereon of same date.
37. Instrument of Sasine following thereon. Dated 20 October 1547.
38. Instrument of Sasine following on No. 33. Dated 20 October 1547.
39. Precept under the Privy Seal[3] in favour of the said Alexander Bartholomew of the said Beatrice's 1/4 part. Dated 16 August 1547.
40. Charter of Confirmation by Queen Mary[4] in favour of the said Alexander of these 3/4 of the 20s. lands of Grugfute. Dated 8 September 1563.
41. Instrument of Sasine in the said Alexander's favour. Dated 5 May 1564.
42. Charter by the said Alexander in favour of Alexander Bartholomew in Grugfoot and his spouse of the 15s. lands of Grugfoot. Dated 21 June 1566.
43. Charter of Confirmation under the Great Seal[5] following thereon. Dated 31 November 1589.
44. Charter by Alexander Bartholomew in Grugfoot and his spouse[6] to Philip Bartholomew, his son, and Janet Henderson, his spouse, of his 15s. lands of Grugfoot held of the King. Dated 7 May 1594.
45. Charter of Confirmation following thereon. Dated —— 1594.
46. Disposition by Philip Bartholomew and his spouse to George Gray. Dated 25 October 1644.
47. Procuratory by Philip Bartholomew, son of the said Philip, for serving him heir to his father and for resignation of the lands. Dated 1 February 1656.
48. Assignation and Disposition by George Gray to the laird of Cleghorne. Dated 11 March 1645.
49. Precept of Chancery for infefting Philip Bartholomew, as in No. 47, in his 3/4 of the 20s. lands of Grugfute. Dated 19 May 1659.
50. Instrument of Sasine following thereon. Dated 20 May 1659.
51. Disposition by Patrick Bartholomew to John Henrysone. Dated 20 November 1613.

[1] The said Thomas Brown succeeded his brother John Brown. (*R.M.S.* 8 Sept. 1563.)

[2] Marion, the fourth daughter of Thomas Brown, retained her portion, and was succeeded by her son, John Chairlie, who disponed to Archibald Kay in Smiddyhill. (*R.M.S.* 1 Nov. 1587.)

[3] *R.S.S.* III, 2377. [4] *R.M.S.* under date. [5] *R.M.S.* under date 30 Nov.

[6] Helen Quatchet. (*R.M.S.* 30 Nov. 1589.)

52. Charter of the 11s. lands of Grugfoot following thereon. Dated —— 1613.
53. Contract between the same parties. Dated 28 June 1614.
54. Charter of John Henrysone. Dated 1614.
55. Sasine following thereon. Dated 15 August 1614.
56. Bond and Discharge by Patrick Bartholomew to John Henrysone. Dated 27 August 1614.
57. Resignation by Patrick Bartholomew to John Henrysone. Dated —— October 1614.
58. Instrument of Resignation, John Henrysone and spouse. Dated 26 April 1615.
59. Charter proceeding on Patrick Bartholomew's resignation. Dated 17 May 1615.
60. Precept of Sasine for infefting John Henrysone and spouse and proceeding on Patrick Bartholomew's charter, brother and heir of William Bartholomew. Dated 17 May 1615.
61. Instrument of Sasine following thereon. Dated 23 October 1615.
62. Charter by John Henrysone in favour of Agnes Dick, his wife. Dated 5 August 1619.
63. Sasine, John Henrysone and wife; following on former charter. Dated 5 August 1619.
64. Decree of Apprising of part of Grougfute which belonged to Skethmure, at the instance of Michael Elphingston of Quarrell. Dated 30 July 1635.
65. Disposition by Quarrel to Cleghorne. Dated July 1643.
66. Charter of Apprising to James Lockhart of Cleghorne following thereon. *Anno* 1643.
67. Precept of Sasine furth of Chancery following thereon. Dated 31 July 1643.
68. Instrument of Sasine following thereon. Dated 16 September 1643.
69. Inhibition by the said James against Robert Elphingston.
70. Decree, laird of Cleghorn *v.* Elphingston of Quarrel. 1646.

267. EXTRACT REGISTERED CONTRACT between Walter Seatoun of Abercorne, superior thereof, on the one part, and Thomas Drummond of Riccartoun, Walter Dundas of that Ilk, George Dundas of Dudiston,[1] Sir Robert Drummond of Meidhope, James Dundas of Mortoun,[2] John Dundas of Maner, Alexander Durhame of Duntervy, and David Dundas of Philpstoune, vassals of the barony of Abercorne, and thereby having right of commonty to the moor of the barony of Abercorne, on the other part, whereby it is agreed that the moor of Abercorne shall be divided among the vassals in proportion to their several holdings, reserving to the superior the coal and limestone and the power to work the same, and that these arbiters (any three to form a quorum) shall be appointed to survey and apportion the said moor, including any parts that have been appropriated: viz., Mr. William Sandelands of Hilderstone, George Drummond of Carlowrie, James Cornwall of Bonhard, Mr. Archibald Campbell of Kilpunt, with Sir Robert Drummond of Meidhope as overseer and convener of the meetings, if his health admits. Done at Abercorne, 1 April 1662. Registered in the Books of Council and Session, 17 June 1662.

268. COPY* in Russian from the Russian Archives with a certified translation of the Testimonial of the Czar of Russia in favour of General Thomas Dalyell.

(*Translation.*) By the Grace of God We the Great Sovereign Czar and Great Prince Alexis Michaelovitch, self-upholder of All the Russias,

[1] *Modern* Dudingston.

[2] Formerly a small lairdship in the barony of Abercorn situated near the present Abercorn Schoolhouse.

the Great, the Little and the White, of Muscovy, Kiovia and Novogrodia, Czar of Casan, Czar of Astrakan, Czar of Siberia, Lord of Pscovia and Great Prince of Livonia, of Smolensk, of Tver, Welsynia, Podolia, Jugaria, Permia, of Wiatca, Bulgaria, and of others, Lord and Great Prince of Novigorode, of the Country of Nirovia, Cherinigovia, Rezania, Polovia, Rostovia, Jaroslavia, Belocrsia, Udoria, Obdoria, Condia, Witeba, Ustralavia, and Ruler of All the Northern Countries; Lord of All the Iberian Nation which is under the Carlulinian and Georgian Czars, and of the Cabardinian Country which is under the Cherkasian and the Mountainous Princes; and of many other Kingdoms and Nations of the East, West, and North, to Our Forefathers belonging, Lord, Possessor and Heir.

Declare by this Patent of our Czarian Majesty to the great Sovereign Kings, to the Ministers of State, Dukes, Counts, and to all free Gentlemen, whom it may concern. That Thomas Daliel, Leutenant-General, formerly came over hither in order to serve our Great Czarian Majesty; and whilst he was with us in our Dominions, he did serve our great Sovereign and Czarian Majesty; He stood against our Enemies and fought valiantly. The military men, that were under his command, he regulated and disciplined, and led them to the Battle himself; And he did and performed everything Faithfully as becoming a Noble Commander. And for these his Faithful Services We the Great Lord and Czarian Majesty were pleased to order the said Lieutenant General to be a General, he being worthy of that honour through his merit; And he accordingly served Our Czarian Majesty as a General, and stood against our Enemies and fought them courageously. In consequence of which We our Czarian Majesty granted him a Stipend according to his Dignity and for his Table and for his pay. And now he, the said General has petitioned our Czarian Majesty that We would please to give him leave to return into his own Country. Therefore We, the Great Sovereign and Czarian Majesty, were pleased to order that the said Noble General, who is worthy of all Honour, Thomas the son of Thomas Dalyell, should have leave to go into his his own Country. And by this Patent of our Czarian Majesty, We do Testify of him, That he is a man of Virtue and honor, and in the military operations of great Experience. And in case he should be willing again to serve our Czarian Majesty, he is to let us know of it beforehand; And he shall come into the Russian Dominions of our Czarian Majesty with our safe passports. And in Testimony of his Services We ordered to give him this Patent of our Czarian Majesty under our Great Seal of State. Given at our Court in the Mitropolis City of Muscow, in the year from the Creation of the World 7173 January 6 (A.D.1665).

Translator's Note.—The inscription on the Seal contains all the Titles as in the first paragraph of the Patent.

The foregoing translation being entirely and truly conforme with the original Patent in Russian dialect and character, it is certified by the underwritten Counsellor of the Embassy and Chargé d'Affaires of His Imperial Majesty of All Russia in London the 30 of March 1762. (Signed) "Theodore Luders."

269. LETTERS OF SPECIAL CHARGE raised by Robert Simpsone, merchant burgess of Edinburgh, against Elizabeth (or Elspeth) and Marion Allan and John Henderson in Brigneis, husband of the said Marion, to enter as heirs to their father, the late James Allan of Stacks. Given under the Signet at Edinburgh, 6 December 1665. Executed at their dwelling-places, 11 December 1665.

270. LETTERS OF APPRISING following on No. 269 of the lands of Stakis, lying in the parish of Carriden and sheriffdom of Linlithgow, and of the houses and land in Brigneis, lying between the house and land of James

Cornwell on the west, and the mill and land belonging to the laird of Grange on the east, other lands of the said laird and the water of —— on the south, and the sea on the north ; which house and land belonged to the late James Allan of Stakis. Dated 2 February 1666.

271. EXECUTION OF LETTERS OF APPRISING in No. 270 served on the parties at their dwelling houses in Burrowstounes and Brigneis respectively, 3 February 1666.

272. DECREE OF APPRISING of Stakis, etc., following on execution in No.271, of Robert Simpsone, merchant burgess of Edinburgh. Dated within the New Session House of Edinburgh, 20 February 1666. Registered in the Books of Council and Session 16 April 1666.

273. COPY OF DECREE ARBITRAL given at Winchbrugh, 9 April 1666, by the arbiters, George Drummond of Carlowrie, James Cornwall of Bonhard, Mr. Archibald Campbell of Kilpount and David Bruce in Nithrie, appointed under contract in No.267, along with Walter Stewart of Pardovine, chosen in place of the late Sir Robert Drummond of Meidhope ; finding that the moor of Abercorne extends to 577 acres, that the valuation of the barony of Abercorne amounts to 15,374 merks, and that $3\frac{3}{4}$ acres would fall to every hundred merks of the said valuation, "by and attour" the portions allowed to these adjacent heritors who had been in use of pasturage on the said moor, viz., George, Lord Ross, etc., as heritor of the lands of Watterstoune, James Monteith of Auldcathie for the lands thereof, Mr. George Bryssone of Craigtoune for the lands thereof, Walter Stewart for his lands of Pardovine, and James Dundas of Mortoune for that part of his land that holds not of the said barony ; and after giving greater proportions to such vassals as did not appropriate, dividing the said moor among the vassals. Therefore those $60\frac{1}{2}$ acres lying at the west side of the moor on the south and south-west of Barroneshalls Loches are decerned to belong to Thomas Drummond of Riccartoune, heritor of the lands of Binnes, reserving all free ways through the moor according to use and wont, with reservation also to the superior Sir Walter Seatoun of Abercorne as in No. 267.

Docket :—"This is ane just and treu double of the principal Decreit except the proportions designed to these interesses in the mure faithfullie collationed by me Andro Crawfurd, Clerk to the divison of the mure and wryter of the foresaid decreit, as witnes my hand at Lythgow, 17 Aug 1667." (Signed) "A. Crawfurd."

274. * Endorsed : King's Appoyntment of Generall Thomas Dalyell to command all His Majesty's Forces in Scotland.[1] Superscribed : Charles R.

Charles the Second, by the Grace of God, King of Scotland, England, France, and Ireland, Defender of the Faith, etc.

To Our Right Trusty and Wellbeloved General Thomas Dalyell, Greeting : Wee reposing Speciall Trust and Confidence on your Loyalty, Courage, and good Conduct, have thought fitt, and Doe hereby Constitute and appointe you To Comand all and singular the Forces as well horse and foot, as are or shalbe Leavied within Our Kingdome of Scotland, In the quality of Our Leiut.-Generall. You are therefore carefully and diligently to performe the duty of Our Leiut.-Generall by exercising the said Forces in Armes, as well Officers as Souldiers, And to keepe them in good order and Discipline. Commanding hereby them to Obey you as their Leiut.-Generall, And you are punctually to Observe such Orders and Directions As you shall from time to time Receive from Us, Or from

[1] The Commissions in Nos. 274-277 were cancelled on 8 April 1668. *See* No. 300, *infra.*

Our Commissioner in that Our Kingdome According to the Discipline of Warre.

Given at Our Court at Whitehall the nineteenth day of July one thousand six hundreth sixty and six years, And of Our Reigne the Eighteene yeare.

By His Majesties Command. [Signed] "Lauderdaill."

275. * Endorsed: Commission to Thomas Dalyell To be Colonell of Ten Companies as a Regiment of Foote, 19 Jully 1666. Superscribed: "Charles R."

Charles the Second, etc., as in No. 274, "Wee Doe hereby appoint you to command Ten Companyes as a Regiment of Foote, to be forwith Leavyed in Our Kingdome of Scotland, In the quality of Colonell thereof, You are therefore," etc., as in No. 274.

276. * Endorsed: Commission to General Thomas Dalyell to be Captaine of a particular Company of Foote In his owne Regiment, 19 Jully 1666. Superscribed: "Charles R."

Charles the Second, etc., as in No. 274. "Wee doe by these presents Constitute and Appoint you to be Captaine of a particular Company of that Regiment of Foote, whereof yourselfe is Colonell; which Wee doe hereby Authorise you to raise with all Speed. You are therefore, etc., as in No. 274.

277. * Endorsed: Commission to General Thomas Dalyell to be Captaine of a particular Troupe in Leutt.-Generall Drummond's[1] Regiment of Horse, 19 Jully 1666. Superscribed: "Charles R."

Charles the Second, etc., as in No. 274; "Wee doe by these presents Constitute and Appointe you to be Captaine of a Troupe of Horse to be raised by you for Our Service in the Regiment whereof Leutt.-Generall Drummond is Colonell; which Wee doe hereby Authorize you to raise with all speed. You are therefore, etc.," as in No. 274.

278. LETTERS OF GENERAL CHARGE raised by Robert Simpsone, merchant burgess of Edinburgh, who has certain actions to prosecute against Andrew Allan, son and heir apparent of the late James Allan, wright in Brigneis, by his second marriage, especially for payment of the sum of 7,000 merks, as in No. 262; requiring the said Andrew to enter as heir to his late father within 40 days. Given under the Signet at Edinburgh, 23 October 1666. Executed at the dwelling-house of the said Andrew, and delivered into the hands of Agnes Burnsyde, his wife, 29 December 1666.

279. *LETTER OF INSTRUCTIONS to General Dalyell. Superscribed: "Charles R."

Right Trustie and Welbeloved, Wee greet you well. By the letter of the 17th from Our Privie Councill, giving us notice of the Rebellious Interprise upon Dumfreis, Wee were very glade to hear of your March, with such of Our Forces as you should think fitt. For Wee nothing doubt of your and Levtennant-General Drummond's[1] Care and Diligence in suppressing the Rebells, Preventing the Conjunction of any dissaffected persons with them, and examplarie Punishment of them when they come into your hands.

Wee particullarlie recommend it to you To send Us frequent Intelligence by Pacquets which you shall send to Carleill, where Wee will give Order for the speedie dispatch of your Pacquets to Us.

You shall also keep correspondence with Our Governour of Carleill.

[1] Afterwards Viscount Strathallan; creations 16 Aug. 1686. (*Scots Peerage*, viii, 220.)

So being confident of your Care and Diligence Wee bid you heartilie Farewell.

Given at Our Court at Whitehall, the 24th of November 1666, and of Our Reign the eighteenth Year.

By His Majesties Command. (Signed) "Lauderdaill."

Wee have dispatched the Earl of Carlisle into Cumberland to look to the adjacent Countie, where he is our Lieutenant. You shall therefore correspond with him, for he hath orders to assist you if you find it necessarie. (Signed) "C. R."

[The first part of the letter is written in gold ink, the postscript in black ink.]

280. *Letter from Charles II to General Dalyell.

Whitehall, 5 Decemr: 66.

Lievt-Genll Dalyell, haveing receiv'd a full account of the happy success you have had against the rebells in Scotland, and the great care and diligence you have used in the suppressing of it, I could not but give my hearty thanks for it myself, by letting you know how full [well] I am satisfied with your conduct and zeele in my service, assuring you that you shall always find by the effects the sense I have of those who serve me so well as you have done, and that upon all occasions you shall have reason to beleive that I am, Your very loving friend, (Signed) "Charles R."

I pray tell Will. Drummond that I am very sencible of the share he hath had in this victory which he shall find upon all occasions.

Addressed: "For Lievtenant-Generall Dalyell."

281. Letters of Inhibition raised at the instance of Robert Simpsone, merchant burgess of Edinburgh, who intends to pursue actions before the Lords of Council and Session, as well as in inferior courts, against Andrew Allan, son and heir apparent of the late James Allan, wright in Brigneis, by his second marriage, inhibiting the said Andrew from disponing or assigning any part of his lands, goods, or gear. Given under the Signet at Edinburgh, 20 December 1666. Executed on 29 December 1666.

282. Charter by Anna, Duchess of Hamiltoun, with consent of William, Duke of Hamiltoun, her husband, in favour of William Menteith, portioner of Reddoch, following on Decree of Adjudication in No. 261, of the lands of Caldcoittis, as in No. 40; containing precept of sasine directed to Major Robert Hamiltoun of Dechmont. Dated at Hamilton Palace, the 12 of April 1667. Witnesses, Mr. Robert Somervell, bailie of Lesmahago, William Clelland, servant of the said Duchess, and Mr. Robert Lawder, portioner of Belhavin. (Signed) "Hamilton, Hamilton," and the witnesses. Seal of granter attached.

283. Instrument of Sasine following on Charter in No. 282. Done on the ground, 13 April 1667. Witnesses, Thomas Fadyen, servant of the bailiff, John Hendersone in Manerstone, James Hendersone in Caldcoatis and James Smell, his servant. Notary, Mr Robert Lawder.

284. Disposition and Retrocession by Thomas Drummond of Rickartoun in favour of General Thomas Dalyell of the lands of Binnes and Blaknes, which had been disponed along with the lands of Cumpstown by the said General to the said Thomas's father, William Drummond of Rickartoun, as in disposition in No. 232, narrating that as the said disposition to his said father was only in trust, the said Thomas dispones the said lands to the General, except the lands of Cumpstoun. Dated at Edinburgh, the 9 of August 1667. Witnesses, Mr. George Norvall of Boghead, advocate, David Falconer, servant of the disponer,

Mr. James Orme and William Russell, writers in Edinburgh. Written by Mr. John Leslie, servitor of Alexander Leslie, W.S. (Signed) "Lindsay Drummond," and the witnesses.

285. PRECEPT OF *Clare Constat* by General Thomas Dalyell of Binnes, superior of the lands underwritten, directed to John Hendersone in Manerstoun to infeft Thomas Drummond of Rickartoun, son of the late William Drummond of Rickartoun, and of the late Magdalen Dalyell his wife, as heir to his father in Blaknes lands, as in No. 125; provided that the sasine following thereupon be intended only to strengthen the disposition of the said lands by the said Thomas Drummond to the said General. Dated at Edinburgh, 9 August 1667. Witnesses, Mr. George Norvall of Boghall, advocate, David Falconer, servant of the said Thomas Drummond, and William Russell and Mr. James Orme (writer of the deed), servants of Alexander Leslie, W.S. (Signed) "T. Dalyell," and the witnesses.

286. PRECEPT OF *Clare Constat* by Sir Walter Seatoun of Abercorne, directing John Hendersone in Manerstoune to infeft Thomas Drummond of Rickartoune, as heir to his father the late William Drummond of Rickartoune, in the lands of Bynnes, etc., as in No. 69, and also in 60½ acres of the moor of Abercorne under decree arbitral in No. 273. Dated at Northbank, 12 August 1667. Witnesses, Mungo Marshall in Bonhard, and John Hendersone, servant of the grantee. (Signed) "Walter Seatoun," and the witnesses. Seal wanting.

287. MUTUAL DISCHARGE by General Thomas Dalyell of Binns and Thomas Drummond of Riccartoune. Dated at Edinburgh, (written by George Robertsone, servitor of Alexander Leslie, W.S.), 14 August 1667. Witnesses, Mr. George Norvell of Borghall, advocate, David Falconer, servant of the said Thomas Drummond, and William Russell, writer in Edinburgh. (Signed) "T. Dalyell, Thomas Drummond," and the witnesses.

288. PRECEPT OF *Clare Constat* as in No. 285, but dated at Edinburgh, 30 August 1667. Witnesses, Mr. George Norvell of Boghall, advocate, James Galbraith, his servant, and William Russell, writer, Edinburgh. (Signed) "T. Dalyell" and the witnesses. Seal wanting.

289. DISPOSITION AND RETROCESSION by Thomas Drummond of Rickartoun in favour of General Thomas Dalyell, as in No. 284, but with the addition of 60½ acres of the moor of Abercorne, as in No. 273. Written by Mr. John Leslie, servitor of Alexander Leslie, W.S., and dated at Edinburgh, 30 August 1667. Witnesses as in No. 288. (Signed) "Thomas Drummond" and the witnesses.

290. RETROCESSION by Thomas Drummond of Rickartone to Generall Thomas Dalyell as to his movables: 1667.

Whereas General Thomas Dalyell of Binnes by his assignation of date at Edinburgh, 22 November 1648, wherein he is designed Colonel Thomas Dalyell, made and constituted the late William Drummond of Rickartoun and the late Magdalen Dalyell, his wife, his assignees as in No. 233, therefore the said Thomas Drummond, son and heir of the said William, now retrocesses, assigns and transfers to the said General all contracts, etc., and the whole movables and household stuff. Dated at Edinburgh, 30 August 1667. Witnesses as in No. 288. Written by Mr. David Balfour, servitor of Alexander Leslie, W.S. (Signed) "Thomas Drummond" and the witnesses.

291. INSTRUMENT OF RESIGNATION *ad perpetuam remanentiam* by Thomas Drummond of Riccartoun in favour of General Thomas Dalyell, his

superior, of the lands of Blacknes, as in No. 125. Resignation made by David Falconer, servant to the said Thomas Drummond, "at the said General's lodging within the burgh of Edinburgh upon the south syde of the streit thereof foirgainest the croice," 30 August 1667. Witnesses, Mr. George Norvall of Boighall, advocate, and Mr. James Orme, writer in Edinburgh. Notary, William Russell.

292. INSTRUMENT OF SASINE following on No. 288. Sasine given on the ground to John Maxwell, gardener, as attorney for Thomas Drummond of Rickartoun, 31 August 1667. Witnesses, Hugh Inglis, servant of the said Thomas Drummond, and James Croser, servant of the bailiff. Notary, Mr. Andrew Ker.

293. (*Vernacular.*) INSTRUMENT OF SASINE following on disposition and retrocession in No. 289. Sasine given to John Maxwell, gardener to Thomas Drummond of Rickartoun, as attorney for General Thomas Dalyell, on the ground of the lands *respective*, 31 August 1667. Witnesses, Hugh Inglis, John Eistoun and James Finlay, servants of the said Thomas Drummond. Notary, Mr. Andrew Ker.

294. TACK for 19 years of the lands of Caldcoats, as in No. 40, by William Menteith in Stanehill in favour of James Hendersone in Caldcoats, who is to pay a yearly rent of 800 merks to the said William, and also £16 a year feu-duty, and £6 a year to the minister of Carridden. Dated 12 September 1667. Witnesses, John Breitch and Robert McDougall, servants of the said laird of Maner. (Not signed.)

295. MUTUAL DISCHARGE as in No. 287, but dated at Edinburgh, 14 September 1667. Witnesses, David Falconer, servant of the laird of Rickartone, Bartholomew McKeane, servant of Mr. George Norvall, advocate, Mr. George Robertson, servitor to Alexander Leslie, W.S., and Mr. George Norwell, writer of the deed. Signed as in No. 287, and the witnesses.

296. RESIGNATION by Thomas Drummond of Rickartoune in the hands of the superior, Sir Walter Seatoune of Abercorne, for sasine to be given to General Thomas Dalyell, in the lands described in No. 289. Dated at the dwelling house of James Cockburne of that Ilk in the burgh of Edinburgh, 8 November 1667. Witnesses, Mr. William Sharp, keeper of His Majesty's Signet, Walter Kennewie, merchant in Linlithgow, William Kennewie, writer in Edinburgh, and William Hay, servant to the laird of Cockburne. Notary, Hugh Patersone.

297. CHARTER following on No. 296, containing precept of sasine directed to John Hendersone in Manerstoun. Dated at Edinburgh, 8 November 1667. Witnesses, Mr. William Sharp, keeper of His Majesty's Signet, Walter Kennewie, merchant in Linlithgow, John Hendersone, servant of the granter, Hugh Patersone and William Kennewie, writers in Edinburgh. (Signed) "Wa : Seatoune," and the witnesses. Fragment of Seal attached.

298. INSTRUMENT OF SASINE in favour of General Thomas Dalyell, following on charter in No. 297. Sasine given to William Kennewie, writer in Edinburgh, attorney for the said General, on the ground of the subjects, 11 November 1667. Witnesses, Hugh Inglis, servant to Thomas Drummond of Rickartoune, John Caldhame in Westir Scottistoune, Alexander Foord in Myrrelies, John Eistoune in Bynnis and Patrick Philp. Notary, Hugh Patersone.

299. ACCOUNT OF FREIGHTS and the dues paid for Generall Dalyals goods from London, 1673.

December 28. For freights and other deus of three tables, 2 caske, 3 fardles, 1 bundle iron werke and 1 iron graite . . .	£39 14 00
To the porters . . .	01 10 00
	£41 04 00

Received from Mr. Alexander Kenneway full payment of the above written fortyone pound four shillings Scots at Leith this first of February 1673. (Signed) "Geo. Dundas."

300. LETTER OF EXONERATION by King Charles in favour of General Thomas Dalyel. (Original in Latin.) Translation.

Charles by the Grace of God, King of Scotland, England, France and Ireland, Defender of the Faith, to all honest men to whom our present letters shall come, Greeting. Know that We by Our Commissions signed by Our Royal hand and expedited under Our Privy Signet of date the 19 of July 1666 made and constituted Our well beloved General Thomas Dalyell Commander of all and singular Our Forces both Horse and Foot then levied or to be levied in Our Kingdom of Scotland with the rank of Our Lieutenant-General, And ordered him punctually and exactly to carry out all orders directed to him by Us or by Our High Commissioner. In virtue of which Commission the said Lieutenant-General has commanded all the Forces both Horse and Foot then levied or afterwards levied. And in performing the duties of his Command he has given an excellent example of his courage and wisdom insomuch as he shewed no common resource in putting to flight those rebels who trautorously and treacherously without Our Authority appeared in arms in the Western Counties of Our said Kingdom in November 1666. And since the said Lieutenant-General in performing that duty gave Us the utmost satisfaction and did not disappoint the hopes We had conceived of his loyalty and wisdom, Therefore We have given and granted and by the tenour of these presents give and grant to the said General Thomas Dalyell, Our Lieutenant-General, his heirs and executors full and complete exoneration of his trust and service as Lieutenant-General, Colonel of a Regiment of Foot and Captain of a Company of Foot and of a Troop of Horse, as required by the tenour of the four Commissions given to him.

And We have relieved and exonerated, and by the tenour of these presents relieve and exonerate, him and his foresaids, now and for all time of all actions and all things done by him, and of all omissions, if any, in the said commands as Lieutenant-General, Colonel, and Captain of Horse and of Foot, until the said commissions were cancelled. And We command this Our present general exoneration to be now and in time coming as valid as if each of his actions or commands were particularly inserted in these presents. And that he shall never in time coming be accused, impeached, arraigned or cited, nor shall any suit be moved against him for any of his actions or commands by Us or Our successors or any others holding Our Authority. In witness whereof to these presents We have ordered Our Great Seal to be appended. At Our Court of Whitehall, the 8 of April 1668, and of Our Reign the Twentieth Year.

Fragment of seal attached.

301. COMMISSION* for the Sheir of Linlithgow in order to the Militia, 8 May 1668. (Supercribed) Charles R.

Charles by the Grace of God, King of Great Britain, France and

Ireland, Defender of the Faith, to all and sundrie Our Leidges and Subjects quhom it efferis, Greeting. Forsameikle as We for the good and preservation of the pace of this Our Ancient Kingdom have thought fitt to setle a Militia within the sam, We doe therfor with advice of the Lords of Our Privie Counsell nominat appoynt and constitut you, the Justices of Peace and the Commissioners of Excyse of the Schyr of Linlithgow and the Collonell, Levtennant-Collonell, Major and Captains and Leivtennents of Horse appoynted by Us to command the Militia of the said Schyr To be Our Commissioners for setteling and ordering the samin And to that effect doe hereby requir and authorise you to meet at Linlithgow the eighteen day of May instant and there and then to List the number of three hunder threttie three foot under the command of the Earle of Wintoun, Collonell, and [Sir Alexander] Murray of Blackbarrone, your Leivtennant-Collonell, and other Commissionat Officers and to List the number of fourtie two horses to be under the command of Charles Maitland of Haltoun according to the 25 Act of Our Third Session of Parliament to be a setteled Militia within your Shyr and to doe every thing else for the ordering and disposing therein conforme to the instructions herewith of the daite of their presents, signed by the Lords of Our Counsell, and such others as from tym to tym you shall receave from Our Counseil. Given under Our Signet at Edinburgh, the 8 of May and of Our Reigne the 20 year. 1668.

(Signed) "Rothes, Cancell:, Linlithgow, Wemys, Tweeddale, Kincairden, Cochran, W. Drummond, Rot: Murray, Jo: Gilmer, J. Primrose, R. Moray, J. Home, Ch: Maitland, T. Wachope."

302. I, Robert Dick, grants the receat of 32 punds Scots munie for 80 deals at 8/– a peic from General Thomas Dalyell.

Item mor for 22 single trees 2 pund, the 7 of Juli 1668. (Signed) "Robert Dick."

303. RENUNCIATION by James, Earl of Calender, Lord Almond, in favour of General Thomas Dalyell of all the right, title and interest which he had in virtue of the escheat of the liferent of the late Alexander, Earl of Linlithgow, his brother, in the feu-duties and maills of Blacknes lands belonging to his said brother under contract with the late Thomas Dalyell of Manerstoun, as in No. 125. Dated at Edinburgh, the —— of July 1668. Witnesses (not designated), Walter Annand and Alexander Livingstone. (Signed) "Callander," and the witnesses.

304. EXTRACT DECREE in an Action of Poinding and Apprising raised before the Lords of Council and Session by George, Earl of Linlithgow, against General Thomas Dalyell of Binns and Gilbert Dick in Blacknes, Michael Broune, Marion Stuart, widow, Janet Smith, widow, Robert Stewart, Alexander Campbell, David Drysdaill, Alex. Coldome, Matthew Coldome, Robert Adame, James Meldrum, Alexander Smith, Thomas Meldrum, James Hardie, David Wilsone and John Steill, tenants, possessors and occupiers of the lands of Blacknes, narrating that the said Earl in virtue of his crown charter of date 5 December 1642, as in crown signature in No. 205, and sasine following thereon of date 9 January 1643, has right to the yearly maills and duties of the said lands of Blacknes. The Lords repel the allegations of the defenders and decern in favour of the pursuer, 24 November 1668. Extracted *de Libris Actorum.*

305. ASSIGNATION by George, Earl of Linlithgow, in favour of Walter Kennewie, merchant in Linlithgow, of the byrun annual feuduties and maills of the lands of Blacknes, due to the said Earl under decree in No. 304. Dated at Edinburgh, 21 January 1669. (Written by James Gilmour, servitor of

John Muir, W.S.). Witnesses, Mr. Edmond Myles and John Young, servants of the said Earl, and the said James Gilmour. (Signed) "Linlithgow," and the witnesses.

306. INVENTORY OF WRITS which William Bruce of Newtoune in terms of his Obligation and Contract is obliged to make furthcoming to Sir Colin Campbell of Aberuigill[1]:—

1. A Disposition by Mr. Adam Bruce of Waltoune to Thomas Bruce, provost of Stirling, of the lands of Waltoune and others, dated 26 July 1633.
2. A Registered Bond by Thomas Bruce of Waltoune to Mr. John Galbraithe, minister of Holkerrar, dated 22 June 1650, and registered in the books of the Pretended Commissioners, 23 September 1652.
3. Letters of Inhibition raised by the said Mr. John Galbraithe against the said Thomas Bruce, 1 October 1652, and thereafter executed and registered.
4. Letters of Apprising raised on the said bond, 5 April 1653, and execution thereon.
5. Decree of Apprising of the lands of Waltoune following thereon, 3 May 1653.
6. Letters of Horning following thereon against the superiors of the lands, dated 13 July 1653, with execution.
7. A Registered Bond by Michael Elphingstoune, master of His Majesty's Household, and indweller in Stirling, as principal, and the said Thomas Bruce as cautioner to Mr. James Windrahame, dated 9 February 1649, with registration.
8. Letters of Inhibition and Arrestment against the said Thomas Bruce, dated 17 August 1652, with execution and registration.
9. Letters of Apprising following thereon, 19 Oct. 1654, with execution.
10. Decree of Apprising following thereon, 6 Dec. 1654.
11. Charter under the Great Seal[2] in favour of the said Mr. James Windrahame, dated 12 Jan. 1655.
12. Instrument of Sasine following thereon, 24 Jan. 1655, with registration.

Inventory dated at Edinburgh, 8 Feb. 1669. Witnesses, James Hay, writer in Edinburgh, and Henry Mellis, notary public, writer hereof.

307. LETTERS OF POINDING AND APPRISING raised by Walter Kennewie, merchant in Linlithgow, against General Thomas Dalyell of Binns and the tenants and feuars of Blacknes lands, following on Nos. 304 and 305. Given under the Signet at Edinburgh, 6 March 1669. Executed on the ground of the lands of Blacknes, and at the Market Cross of Linlithgow, and served personally on the said General, 26 March 1669.

308. RECEIVED from Thomas Dalyell, sone to Generall Dalyell of Bines, twentie eight punds Scots and that for Johne Dalyell's dyet at my house from Witsonday 1669 to Martymes nixte in anno foresaid. At Nethermylne, 9 April 1669 by me. (Signed) "Al. Meikle."

309. EXTRACT DECREE OF APPRISING of the lands of Blacknes following on No. 307. Dated at Edinburgh, 14 April 1669, and decree thereon by the Lords of Council and Session ordaining infeftment of the said lands to be given to the pursuer, 11 June 1669.

310. REGISTERED DECREE ARBITRAL of James Cornwall of Bonhard and James Dundas of Mortoun, arbiters appointed by George, Earl of Linlithgow, and General Thomas Dalyell of Binns to decide anent the excambion of a piece of land called Carwick, lying besouth the Binns,

[1] Aberuchil, near Comrie. [2] Not recorded.

with as much of the lands of Scotstounhill, lying next to the lands of Scotstoun, under an agreement dated at Meidhope, 5 April 1669, to which Dame Marjory Hamilton, Lady Meidhope,[1] liferentrix of the lands of Scotstoun, of which the lands of Carwick form a part, is to consent. Witnesses to the agreement, Colonel William Urrie, Mr. Edmund Myles and John Young, servants of the said Earl. The arbiters decern that the lands of Carwick, belonging to the said Earl and extending to 12 ac. 1 ro. 30 falls, lying between the lands of West Craig on the east, the lands of Binns on the south and west, and the Binyies Dykes on the north, shall pertain to the said General Thomas Dalyell; as also these parts of the lands of West Craig, viz., 7 ac. 1 ro. 1 fall 2 ells, bounded by the lands of West Craig on the east, those parts of Easter and Wester Scotstoun hereby disponed by the Earl to the General on the south, the other parts of the said lands on the west, and Binns Hill Dyke on the north; and that part of the lands of Scotstounhill, extending to 10½ ac. and belonging to the said General, bounded by the lands of Scotstoun on the west, the Burn on the south, and the lands of Scotstounhill and West Craig on the north and east, shall pertain to the said Earl. Dated at Linlithgow, 8 May 1669. Witnesses as in the agreement. (Written by William Syme, servant to Andrew Crawfurd, writer in Linlithgow.) The consent of Lady Meidhope is dated at Meidhope, 28 May 1669. Witnesses, James Henderson, son of Thomas Henderson, sometime in Meidhope, Henry Meikill, there, Claud Listoune, there, and Thomas Imbrie, servant to the said General. Registered in the Books of Council and Session, 31 May 1669.

311. DISCHARGE by George, Earl of Linlithgow, Lord Livingston, heritable constable and keeper of the castle of Blacknesse, and thereby having right to the feu-duties of the lands of Blacknesse, in favour of General Thomas Dalyeill of Binns of payment for the said lands belonging to him of £150 Scots, as the price of 2 chalders 2 bolls of bear, and 1 pound of pepper, and in addition of the sum of £17 4s. and 4 pennies silver, which completes his feu-duty for the year 1668. Dated at Edinburgh, 10 August 1669. Witnesses, Mr. Edmund Mylis, writer of the discharge, and John Young, servants of the said Earl. (Signed) "Linlithgow," and the witnesses.

312. INVENTORY of the Writs of Waltoun,[2] *c.* 1669.

1. Instrument of Sasine in favour of Thomas Bruce and Anna Nather (*sic*), his spouse, dated 28 Aug. 1633.
2. Confirmation of the Charter of the Sasine by James, Marquess of Hamilton, dated 31 Dec. 1633.
3. Contract between Sir John Hamilton of Grange and James Hamilton, his son, and the said Thomas Bruce, anent the teinds of Walton, dated 7 Feb. 1632.
4. Transumpt of certain writs and evidents, dated 26 Jan. 1669.
5. Disposition by Thomas Bruce and his spouse to Patrick Hebrune. Registered 2 Dec. 1639.
6. Charter following thereon, dated 10 Dec. 1639.
7. Instrument of Sasine of the lands of Walton and Levilands, following thereon, dated 4 July 1640.
8. Disposition by the said Patrick Hebrun to Mr. John Drummond, dated 20 May 1655.
9. Sasine following thereon, dated 28 July 1655.
10. Disposition by the said Mr. John Drummond to the laird of Aberugle, dated 10 April 1667.

[1] Widow of Sir Robert Drummond of Midhope.

[2] Described as the £5 lands of Walton in a sasine to Alexander Hamilton, brother of James Hamilton of Avendale, 27 Jan. 1548/9. (Foulis' *Protocol Book*, No. 11; Scottish Record Society.)

11. Instrument of Resignation in favour of Sir Colin Campbell, dated 27 March 1669.
12. Disposition by Mr James Woundrum to Sir Colin Campbell, 17 Feb. 1668.
13. Instrument of Resignation granted thereupon, 17 March 1669.
14. Disposition by William Bruce of Newtoun to Sir Colin Campbell of Mr. James Galbraith's apprising, 6 Feb. 1669.
15. Charter following thereon by the Duke and Duchess of Hamilton, 17 March 1669.
16. Instrument of Sasine following thereon, 2 April 1669.
17. Procuratory of Resignation by the said Sir Colin Campbell in favour of himself and his heirs, 7 March 1669.
18. Instrument of Resignation following thereon, 17 March 1669.
19. Instrument of Sasine in favour of Sir Colin Campbell, 28 Apr. 1690 (*sic*).
20. Discharge of the feu-duties of Walton to Sir Colin Campbell, 31 Aug. 1669.
21. Contract between Sir Colin Campbell and William Bruce of Newtoun anent the keeping of Mr. James Wimrahm's maills of the lands of Walton, 8 Feb. 1669.
22. Declarator by Sir Colin Campbell anent the change of tailyie, 15 March 1669.
23. Inventory of Writs in Newtoun's hands.
24. Copy of the Tack of the Teinds of Kennill and Carriden set to Grange, 28 May 1598.
25. Copy of the same Teinds "prorogat," 13 July 1618.
26. Disposition by Sir Colin Campbell to General Thomas Dalyell, 9 June 1669.
27. Charter of Alienation following thereon, 9 June 1669.
28. Memorandum for Mr. George Norvell anent the inhibition upon Patrick Hebprun's lands of Walton: received from Sir Colin Campbell, 22 June 1669.

    Memorandum.—The Instrument of Resignation of Walton comprehends Calcoats and is with the writs thereof.

313. DISPOSITION by William Monteith, portioner of Reddoch, with consent of John Dundas, eldest son of the late Mr. George Dundas of Maner, in favour of General Thomas Dalyell of Binns, of the lands of Cauldcoatts as in No. 40. Dated at Linlithgow, 11 September 1669. Witnesses, Mr. Alexander Kennewie, writer in Edinburgh, Robert Kennewie, merchant in Linlithgow, and Charles Murray, servitor to the said Mr. Alexander. Written by Hugh Paterson, servitor to Hugh Paterson, writer in Edinburgh. (Signed) "W Monteith, J. Dundas consents," and the witnesses.

314. BOND OF WARRANDICE by William Monteith, portioner of Reddoch, in favour of the Right Honourable General Thomas Dalyell of Binns, of the lands of Stainehill and Smiddiehill, lying in the sheriffdom of Linlithgow, in real warrandice of Calcots, disponed as in No. 313. Dated at Linlithgow 11 September 1669. Witnesses and signatures as in No. 313. (Endorsed.—Bond of Warrandice: Captain William Monteith to General Dalyell, 11 September 1669.

315. ASSIGNATION by Robert Simpsone, merchant burgess of Edinburgh, in favour of Robert Mylne, provost of Linlithgow, of the Decree of Apprising of the lands of Stacks, as in No. 272. Dated at Linlithgow, 17 September 1669. Witnesses, Mr. Andrew Ker, clerk of Linlithgow, and John Graham, his servitor, writer of the deed. (Signed) "Robert Simpsone," and the witnesses.

316. DISPOSITION by General Thomas Dalyell in favour of Thomas Dalyell, elder, his natural son, whom failing to Thomas Dalyell, younger, his second natural son, whom failing to John Dalyell, his third natural son,

and their heirs respectively, of the lands of Binns, etc., as in No. 69, with reservation of liferent; with burdens of 10,000 merks to be paid to Thomas Dalyell, younger, 10,000 merks to John Dalyell, 10,000 merks to Margaret Dalyell, their sister, and 5,000 merks to Mary Dalyell, their sister. Dated at Edinburgh, 30 October 1669. Witnesses, Mr. George Norvell, advocate, writer of the deed, and Bartholomew M'Kane, his serviter. (Signed) "T. Dalyell," and the witnesses.

317. INSTRUMENT OF SASINE in favour of General Thomas Dalyell of Binns in the lands of Walton, lying in the parish of Carridden and sheriffdom of Linlithgow, and in the lands of Cauldcoats, as in No. 40; following on Nos. 312 (27) and 313. Sasine given on the ground of the subjects *respective*, 5 February 1670. Witnesses, John Hendersone in Walton, James Hendersone, his son, John Steill, his servant, John Hamilton, servant of Robert Hamilton of Dechmont, the bailiff, and Robert Blair, servant of the notary. Notary, Ralph Weir.

318. EXTRACT REGISTERED GIFT OF ESCHEAT of William Mure of Caldwell in favour of General Thomas Dalyell. Dated under the Privy Seal at Whitehall, 11 July 1670.

319. CROWN CHARTER under the Great Seal[1] in favour of General Thomas Dalyell of Binns, of the £5 lands of Knokewarde and the 5 mark lands of Donniefleet, lying in the bailiary of Cunynghame and sheriffdom of Air; the £5 lands of Knokmead and the 5 mark lands of Eister Caldwells, lying in the sheriffdom of Renfrew; the 10 mark lands of Kittoksyd, lying in the sheriffdom of Lanerk; the lands of Keepilrig,[2] formerly called the Temple lands, lying in the parish of Mearns and sheriffdom of Renfrew; all the said lands to be erected into the barony of Knockmead; following on gift of escheat in No. 318. Dated at Whitehall, 11 July 1670. Fragment of seal attached.

320. PRECEPT OF SASINE under the Great Seal, following on Charter in No. 319. Dated 11 July 1670. Seal wanting.

321. PRECEPT OF SASINE from Chancery under the Great Seal directed to Sir Archibald Stewart of Blackhall, superior of the lands underwritten, to infeft General Thomas Dalyell in the 4 mark lands of Newlands, lying in the parish of Eistwood and sheriffdom of Renfrew, formerly belonging to William Mure of Caldwell. Dated at Whitehall, 11 July 1670. Seal wanting.

322. PRECEPT OF SASINE from Chancery under the Great Seal directed to Charles, Duke of Lennocks, superior of the lands underwritten, to infeft General Thomas Dalyell in the 5 mark lands of Glanderstoun, lying in the parish of Neilstoun and sheriffdom of Renfrew, which formerly belonged to William Mure of Caldwell. Dated at Whitehall, 11 July 1670. Fragment of seal attached.

323. PRECEPT OF SASINE from Chancery under the Great Seal directed to William, Earl of Dundonald, Lord Cochrane, superior of the lands underwritten, to infeft General Thomas Dalyell in the 10 mark lands of Coudam, lying in the parish of Symenton, bailiary of Kyil-Stewart and sheriffdom of Air. Dated at Whitehall, 11 July 1670. Fragment of seal attached.

324. RATIFICATION[3] by Parliament of the signature to Charter in No. 319 and of the signatures in Nos. 321, 322 and 323 in favour of General Thomas Dalyell. Dated at Edinburgh, 22 August 1670, and extracted from the Records of Parliament.

[1] *R.M.S.* under date. [2] Capelrig, par. of Mearns.
[3] Sentence of forfeiture, 16 Aug. 1667; confirmed in Parliament, 1669: A.P. vii. 562.

325. INSTRUMENT OF SASINE in favour of General Thomas Dalyell following on precept of sasine in No. 320. Sasine given on the ground of the lands of Knockmead, 2 Oct. 1670. Witnesses, Mr. Alexander Kenna,[1] writer in Edinburgh, William Wallace of Little Carse, Charles Murray, servitor of the said Mr. Alexander Kenna, John Cochrane in Knockmead, Robert Stenhouse in Holthous, and John Robisone in Nethertoune. Notary, Mr. Hugh Fork.

326. EXTRACT DECREE in a Summons of Transumpt raised at the instance of General Thomas Dalyell of Binnis against William Menteith, portioner of Raddoch, and John Dundas, son of the late Mr. George Dundas of Maner. The said William Menteith had disponed the lands of Cabcoates to the said General as in No. 313. The defenders had lost or destroyed the writs of assignation and conveyance on which the process of adjudication in No. 261 was founded. The sheriff decerns that a transumpt of the said writs be made and certified. Dated at Linlithgow, 1 Dec. 1670. Extracted from the Sheriff Court Books of Linlithgow. Endorsed: Decreit of Transumpt of Captain Menteith's adjudication against Maner.

327. EXTRACT ACT of the Commissioners of Exchequer, discharging James Dimlop of Hoishill[2] from intrometting with the rents of the lands of Caldwell for the crop of the year 1670. Dated at Edinburgh, 25 January 1671.

328. DISPOSITION by General Thomas Dalyell of the Binns in favour of Thomas Dalyell, elder, his eldest natural son, with destination as in No. 316, of the lands of the barony of Knockmead, as in No. 319, of the lands of Newlands, as in No. 321, of the lands of Glanderstoun, as in No. 322, and of the lands of Coudam, as in No. 323, with reservation of liferent. Dated at Edinburgh, 19 June 1671. Witnesses, Mr. George Norvall, advocate, writer thereof, and Bartholomew McKeane, his servitor. Signed: "T. Dalyell," and the witnesses.

329. OBLIGATION by James Young, John Reid, elder, John Reid, younger, John Arbuckle, John Aikenhead, John Couper, Bessie and Janet Couper, Andrew Thomsone and John Warnuik, portioners of Nether Kettucksyde, to compear at three head courts to be holden by General Thomas Dalyell, their superior, within his barony of Knockmead. Dated at Binns, 28 June 1671. Witnesses, Charles Murray, (writer of the deed), servitor of Mr. Alexander Kennewie, writer in Edinburgh, and Thomas Bartilmow, wright in Newtoune. Signed by the parties and the witnesses. John Couper and John Warnuik could not write.

330. ASSIGNATION by General Thomas Dalyell of the Binnes in favour of Thomas Dalyell, elder, his natural son, of his heirship goods and gear that shall appertain to him at the time of his decease. Dated at Edinburgh, 5 September 1671. Witnesses and writer as in No. 328. (Signed) "T. Dalyell," and the witnesses.

331. MUTUAL DISCHARGE between General Thomas Dalyell and Robert Mylne. "At Linlithgow this 27 October 1671 yeiris All Compts and Reckinings betwixt His Excellence General Dalyll and Robert Mylne, provost of Linlithgow, being cleired preceeding the date heirof. Therfor they discharge each other of all Compts, Bondes and Recinings for whatsover cause *hinc inde*. In witnes wherof wee have subscrived thir presents, day, place and yeir forsaid befor thir witnesses, Walter Kennewie and Mr. Alexander Kennewie, and thir presents wreatten by me the said Robert Mylne." (Signed) "T. Dalyell, Ro. Mylne," and the witnesses.

[1] Kennowie. [2] In the parish of Nitshill.

332. PRECEPT OF SASINE from Chancery under the Quarter Seal directed to the sheriffs of Air and Renfrew and to the bailie of Kyle-Stewart, in place of Alexander, Earl of Eglintoun, who was superior of the lands underwritten, to infeft General Thomas Dalyell in the £10 lands of Beith, lying in the bailiary of Kyle-Stewart and sheriffdom of Air and in the 10 mark lands of Thorntoun, lying in the parish of Kilmares, barony of Roberton and sheriffdom of Air, which were escheated from William Mure of Caldwell. Dated at Edinburgh, 20 December 1671. Small fragment of seal attached.

333. INSTRUMENT OF SASINE following on No. 332. Sasine given on the ground of the subjects *successive* 23 December 1671. Witnesses, James Cochran in Dunyflat, Robert Steinsone, there, James Pollock in Bogsyd and James Robertsone at the manor place of Caldwell. Notary, Thomas Robertson.

334. PROCURATORY OF RESIGNATION by General Thomas Dalyell of Binds for resigning the lands of the barony of Knockmead as in No. 319, for a new infeftment to be given to him and his heirs. Dated at Binds, 19 February 1672. Witnesses, George Andersone and John Richardson, servants of the said General. (Written by James Ramsay, servitor of Hugh Patersone, W.S.) (Signed) "T. Dalyell," and the witnesses.

335. INSTRUMENT OF RESIGNATION following on procuratory of resignation in No. 334. Done at Edinburgh in the High New Exchequer House, 23 Feb. 1672. Witnesses, John Cunynghame, Hugh Wallace, and Robert Burnett, Writers to the Signet, Sir William Purveis of Woodhouslie and Thomas Moncrieff of that Ilk. Notary, Hugh Patersone.

336. CROWN CHARTER under the Great Seal[1] following on No. 335. Dated at Whythall, 25 May 1672. Witnesses, Sir Archibald Primrose of Dummany, clerk register and clerk of exchequer and parliament, and Sir James Lockhart of Lee, justiciary clerk. Fragment of seal attached.

337. PRECEPT OF SASINE under the Quarter Seal following on No. 336. Date and place as in No. 336.

338. DISPOSITION by Andrew Allan of Stacks, with consent of Christian Mylne, his mother, and of Robert Mylne, provost of Linlithgow, in favour of General Thomas Dalyell of Binns in liferent and of Thomas Dalyell, his son, in fee, whom failing, to John Dalyell, also son of the said General, of the lands of Stacks as in No. 169. Dated at Linlithgow and Brigneis, 8 and 16 November 1672. Witnesses: at Linlithgow, Andrew Crawfurd, writer in Linlithgow, and Robert Allan, brother of the disponer; at Brigneis, George Allan, skipper in Grangepans, and the above two witnesses. (Signed) "Andrew Allan, Christian Mylne, Robert Mylne," and the witnesses.

339. LETTERS OF LEGITIMATION under the Great Seal in favour of Thomas Dalyell, eldest natural son of General Thomas Dalyell of Binns and the late Elizabeth Ker. Dated at Edinburgh, 24 January 1673. Fragment of seal attached.

340. (*Vernacular.*) INSTRUMENT OF SASINE in favour of General Thomas Dalyell and Thomas Dalyell his son, following on disposition in No. 338. Sasine given on the ground by Walter Kennewie in Linlithgow, bailiff for the disponer, 5 May 1673. Witnesses, John Hay, George Andersone and John Maxwell, servants of the said General, and John Steill in Burnshot. Notary, Hugh Patersone.

[1] *R. M.S.* under date.

341. INSTRUMENT OF SASINE in favour of Thomas Dalyell, eldest son of General Thomas Dalyell of Binns, in the lands of Binns, etc., as in No. 69, with the 60 acres of the moor of Abercorn as in No. 273, and in Blacknes lands as in No. 125; following on disposition by the said General as in No. 316, but with the further destination to Charles Dalyell and to William Dalyell, also natural sons of the said General; and containing precept of sasine directed to Walter Kennewie in Linlithgow. Sasine given on the ground of the subjects *respective*, 5 May 1673. Witnesses and notary as in No. 340.

342. DISPOSITION in liferent by General Thomas Dalyell of Binns with consent of Thomas Dalyell, his eldest son, in favour of Catherine Drummond, daughter of the late William Drummond of Riccartoun, and now wife of the said Thomas Dalyell, younger, of the lands of Carlcoatts, Waltoun and Stacks. Dated at Binns, 5 May 1673. Witnesses, Walter Kennewie in Linlithgow, Mr. Alexander Kennewie, writer in Edinburgh, his brother, Hugh Patersone, W.S., writer of the deed, and Hugh Patersone, younger, his servitor. (Signed) "T. Dalyell, Thomas Dalyell, Katherine Drummond,' and the witnesses.

Attached is a CONFIRMATION by Anna, Duchess of Hamilton, superior of the said lands, with consent of William, Duke of Hamilton, her husband. Dated at Kinneill, 9 March 1677. Witnesses, Robert Hamilton of Dechmont, John Hamilton, chamberlain of Kinneill, John Wilsone, writer in Borrowstounes, and Ralph Weir, writer there. (Signed) "Hamilton, Hamilton," and the witnesses.

Also Memorandum of Sasine having been given to Katherine Drummond on 5 May 1673.

343. (*Vernacular.*) LIFERENT SASINE in favour of Catherine Drummond, wife of Thomas Dalyell, younger, following on disposition in liferent in No. 342. Sasine given on the ground by Walter Kennewie, merchant burgess of Linlithgow, bailiff for the disponers, to Mr. Alexander Kennewie, writer in Edinburgh, attorney for the said Catherine, 5 May 1673. Witnesses and notary as in No. 340.

344. (*Vernacular.*) INSTRUMENT OF RESIGNATION following on disposition and procuratory of resignation by General Thomas Dalyell of Binns as in instrument of resignation in No. 335; but with additional destination to Charles and William Dalyell, also his natural sons. Done in the New Exchequer House at Edinburgh, 7 May 1673. Witnesses, Mr. Andrew Oswald and Thomas Moncreiff, clerks of the exchequer, Mr. William Barnett of Barnes, Mr. William Panton and James Hay, Writers to the Signet. Notary, Hugh Patersone.

345. DISPOSITION by Walter Kennewie, merchant burgess of Linlithgow, in favour of General Thomas Dalyell of Binns in liferent, and of Thomas Dalyell, his eldest son, in fee of the lands of Blacknes as in No. 125. Dated at Linlithgow, [12] May 1673. Witnesses, Robert Mylne, provost of Linlithgow, and Mr. Alexander Kennewie, brother of the disponer. (Written by William Hutchesone, writer in Edinburgh.) (Signed) "Wa. Kennewie," and the witnesses.

346. (*In Latin.*) INSTRUMENT OF SASINE in favour of General Thomas Dalyell, following on No. 337. Sasine given at Knockmead by John Wyllie, elder, in Nethertoun, sheriff in that part, to John Jaffray, merchant burgess of Glasgow, attorney for the said General, 24 May 1673. Witnesses, Robert Cochran, son of James Cochran in Knockmead, James Pollock, dwelling in Boigsyde of Easter Caldwell, John Wyllie, younger, in Nethertoun and Robert Craig, dwelling in Roddenheid. Notary, Hugh Patersone.

347. Generall Dalyell debtor.

	lb.	s.	d.
To Robert Mylne for the lands of Stackes - -	6400	00	00
Payed for his Excellence at Rowan for Thomas - -	253	00	00
Payed at Witsonday last for your Excellence - -	2666	13	04
For interest of 6400 frae Mertimes to Witsonday -	192	00	00
For trees from London 5lb. sterl. and for a peice[1] of wyne with fraught cost 32lb. Scots - - -	92	00	00
Summa	9603	13	04

Generall Dalyell creditor.

By band due be me to his sone - - - -	1700	00	00
For interest thereof for 1¼ yeire - - - -	127	10	00
Your Excellence is to give surtie to Walter Kennewie for me for 4000lb. wherof ther is unpayed to him -	4000	00	00
For ane yeir and a half interest of the 1000lb. payd to Walter Kennewie at Witsonday last - - -	90	00	00
For Monyes I receaved of your Excellence frae Walter Kennewie at Candlemes last with a quarters interest .	2030	00	00
Rests by your Excellence to me to balance this accompt	1656	03	04
	9603	13	04

Linlithgow 6 June 1673—The forsaid accompt be me fitted and cleired, his Excellence Generall Dalyell hes payd to me sixteen hundreth fiftie six lb. three sh. four pennies to Balance the same and therefor I doe hereby discharge his Excellence thereof for now and ever.

(Signed) "Ro. Mylne."

348. (*In Latin.*) INSTRUMENT OF SASINE in favour of Thomas Dalyell, eldest son of General Thomas Dalyell of Binns, in the lands of Blacknes as in No. 125; following on a Crown Charter under the Great Seal of the lands of the barony of Knockmead in Renfrewshire and of the said lands of Blacknes; containing a precept of sasine directed to John Hamilton of Grange to infeft the said Thomas in the said lands of Blacknes, and dated at Edinburgh, 11 July 1673. Sasine given on the ground, 28 October 1673. Witnesses, Mr. Alexander Kennewie, writer in Edinburgh, Gilbert Dick in Blacknes, John Gibsone, there, Alexander Campbell, there, and James Johnstoune, there. Notary, William Ker.

349. LETTER from John Craufuird to Thomas Dalyell at Binns.

Medhop, 30 Oct. 1673.

Sir.—Yesternycht when I cam hom I founde that ther was ane error in the compt, which was in your reduceing the bags into bolls, their being 777 and 328 bags which at six firlots the bag is 1653 bolls which is 103 chalders and five bolls. The abaitment should have beine 68lb. 4ss. and you mad 2041 bolls which made 127½ chalders, so the error is (vaks[2] 1½ chalder being reducted) 23 chalders which is 15lb. 06ss. 8d. So I finde that which maks the error that you compt the eight shillings bags 2 boll bags which wold make the Lyme just as it was at 4ss. per boll which is the thing which cannot be dune. Wherfor I desyre that you make looke the compt over and be enformed and you will finde it as I say: and if you think fitt send the 15lb. 06ss. 8d. with this bearer which will verie much obleig your servant to power.

(Signed) "Jo. Craufuird."

Sir,—You may remember that the Generall said that if ther wer any error the dischairge sould nether wroung his Excellence nor me. So if the error had beine to his prejudice I should have beine furthcoming for it. So I hop you will doe the like to me otherwayes I had not beine so implicit. (Signed) "Jo. Craufuird."

Addressed:—For Thomas Dalyell in Binns. These.

[1] A hogshead. [2] Shortages.

350 LETTER from Mr. Alexander Kennewie to Mr. Thomas Leirmont, advocate.

Edinburgh, 9 Januarii 1674.

SIR,—Be pleased to peruse thir papers which are Generall Dalyell's rights to ane Yle in Abercorne Kirk with ane warrand for removing ane sate belonging to Durhame of Dunteryie. The Yle is rebuilt be him the mowall is demolished; onlie the sate is not removed; he intends to [have] it removed conforme to the decreit, the other pretends possession. Lett your thoughts be sett doune in writt, and too morrow I will call for them. I am, Sir, Your humble servant. (Signed) "Alx. Kennewie."

There are tex pier of writt.

Addressed:—For Mr. Thomas Leirmont, advocate.

351 (*Latin.*) INSTRUMENT OF SASINE of the lands of the barony of Knockmead as in No. 310, in favour of Thomas Dalyell, eldest son of General Thomas Dalyell of Binns, following on Crown Charter under the Great Seal of date 11 July 1673. Sasine given on the ground by John Wylie in Nethertoun of Knockmead, sheriff in that part, to the said Thomas Dalyell, 13 February 1674. Witnesses, Ronald Shaw, servant of the said General, Robert Flemyng, dwelling in Bigget, James Pollock at the Place of Caldwell, and Robert Allane, notary public in Stewartoun. Notary, Thomas Robertson.

352 (*Vernacular.*) INSTRUMENT OF SASINE in favour of Thomas Dalyell, eldest son of His Excellency General Thomas Dalyell of Binns, following on disposition by the said General, dated at Binns 1 May 1673, of the 10 merk lands of Beith, called Highat Bigert and Ramsheid, lying in the parish of Beith, bailiery of Kyle Stewart and sheriffdom of Aire. Date and bailiff as in No. 351. Witnesses, James Cochran in Knokmeade, John Steinson in Ramsheid, Robert Flemyng in Bigertmyln and James Pollock as in No. 351. Notary, Thomas Robertson.

353. *BAND be James Hendersone in obedience to the Councills proclamatione against Conventicles 1674.

I, James Hendersone, elder, in Caldcoats, Bind and oblige me that I, my wife, nor any of my Children in family with me, my Cottars or Servants Shall not keepe nor be present at any Conventicles, aither in houses, or in the feildis, As the same ar defyned by the fyfth act of the second session of His Majesties second Parliament, under the paines tharin contained. Being for ilk hous conventicle, twentie fyve pounds Scots for each tennent labouring Land, twelve pounds for each cottar, and for each servant man a fourt part of his yeiris fee, and the husband the halfe of these fynes for such of ther wyfes or Children as shall be at any hous Conventicle: and the double of the respective fynes for each of the saidis persounes that shall be at any feild conventicles. And for the mair securitie I am content and consent that thir presents be registrat in the books of privie Councill, books of Councill and Session, or any uthir judges Books competent that letters and executorials may pas tharupon in forme as effeiris and to that effect I constitute my procurators, etc. In witnes whairof (written be Andro Crawfurd, wryter in Linlithgow) I have subscryved thir presents at Caldcoatts the eighteenth day of September 1674. Before thir witnesses, James Hendersoun, younger, my son, and Alexander Smith. (Signed) "James Henderson," and the witnesses.

354 ACCOMPT General Dalyell to George Drummond, merchant, July 8th, 1675.

	lb.	*s.*	*d.*
Imprimis 1 fine tyffinie suit omitted in former accompt -	10	16	00
2¾ ell mixt cloth 7lb. 10s. ell - - - - -	20	12	06
1 pair english worset stockings - - - -	04	04	00
1 pair halfe silk stockings - - - - -	04	10	00
	40	02	06

Edinburgh, 16th July 1675.—Received the contentt of the above wrytin accompt by me. (Signed) "George Drummond."

355. CHARTER by the Commissioners for Frances, Duchess of Lennox and Richmond, widow of Charles, Duke of Lennox and Richmond, in favour of General Thomas Dalyell, following on precept of sasine in No. 322, of the lands of Glanderstoun, which were forfeited by William Mure of Cauldwell, 16 August 1667. The charter is dated at Edinburgh, 23 July 1675. Witnesses, Mr. Andrew Oswald, one of the clerks of the exchequer, James Somervel, formerly in the exchequer, and Andrew Malcolm of Balbedie. (Signed) "Rothes, Dundonald, A. Primrose," commissioners, and the witnesses. Seal of the Duchess attached.

356. (*In Latin.*) COMMISSION under the Act IX (2)[1] of James VI in favour of General Thomas Dalyell of Binns, as donatory to the forfeited lands of Caldwell, appointing four macers to take cognition by an assize of the heritages possessed by the late William Mure of Caldwell for five years preceding the process and sentence of forfeiture pronounced against him on 16 August 1667. Given under the Quarter Seal at Edinburgh, 3 September 1675. Small fragment of seal attached.

357. (*In Latin.*) EXTRACT DECREE in favour of General Thomas Dalyell of Binns, following on deliverance of the assize appointed under Commission in No. 356. The macers acting as sheriffs of Lanark, Ayr and Renfrew were Robert Hamilton, John Wauchope and Alexander Maitland. The members of assize were Ralph Dundas of that Ilk, Sir Alexander Cunyngham of Robertland, Bart., Alexander Cochrane of Barbauchlaw, William Sharp of Houston, James Dundas of Philpstoun, Mr. William Dundas of Kincavil, advocate, Mr. John Hay of Woodcockdaill, James Monteith of Auldcathie, Mr. John Eleis, younger, of Eleistoun, advocate, Alexander Durhame of Duntarvie, Alexander Mylne, provost of Linlithgow, James Crawfurd, bailie of Linlithgow, Andrew Crawfurd, sheriff-clerk of Linlithgow, Captain Francis Wauchope, brother of John Wauchope of Niddrie, and Mr. Alexander Edward, writer in Edinburgh. The decree is dated at Edinburgh, 14 June 1676, retoured to Chancery and extracted.

358. BOND granted by General Thomas Dalyell in favour of George Drummond, merchant burgess of Edinburgh, late bailie of the said burgh, for 1100 merks. Dated at Edinburgh, 2 February 1676. Witnesses, Halbert Glaidstaines, merchant burgess there, and Alexander Hay, writer in Edinburgh (writer of the deed). (Signed) "T. Dalyell," and the witnesses.

359. CHARTER by William, Earl of Dundonald, and William, Lord Cochrane, his son, in favour of General Thomas Dalyell, following on precept of sasine in No. 323. Dated at Edinburgh, 2 March 1676. Witnesses, Andrew Rodger, servant of the said Earl, James Hay, W.S., and Mr. George Inglis, his servitor. (Signed) "Dundonald, Cochrane," and the witnesses. Seals wanting.

360. (*In Latin.*) INSTRUMENT OF SASINE in favour of General Thomas Dalyell, following on charter in No. 359. Sasine given on the ground by John Stevinstoune in Ramsheid, bailiff for the granter, to Thomas Dalyell, eldest son of the said General, attorney for his father, 26 April 1676. Witnesses, James Neason, servant of the said General, James Pollock at the Place of Caldwell, Matthew Neill in Coudam and Adam Baxter, his servant. Notary, Robert Allan.

[1] *See* A.P. 1584, III, 349.

361. (*De facto*) INSTRUMENT OF SASINE in favour of General Thomas Dalyell following on Charter in No. 354. Sasine given on the ground to James Cochrane in Kincraigie, heir to the granter, to Thomas Dalyell as in No. 356, 28 April 1676. Witnesses, James Neaton, servant of the said General, Patrick Craig in Caldwell, Patrick Parkhill at the Place of Caldwell, Thomas Robertson, servant of the attorney, and Thomas Stivenstone, son of Robert Stivenstone in Holhouse. Notary, Robert Allan.

362. SUPPLEMENTARY EXCAMBION between George, Earl of Linlithgow, and General Thomas Dalyell of the lands specified in No. 316, wherein the said Earl also disponed to the said General 10 ac. 1 ro. 1 fall 1½ ells of the lands of Easter and Wester Scotstoun, bounded between the lands of Scotstoun belonging to the said Earl and that part of West Craig, now disponed by the Earl to the General, on the east, the said lands of Scotstoun on the south, the lands of Mireleis on the west, and the parts of Scotstoun to be disponed by the Earl to the General and the part of West Craig now disponed on the north; also the said General for his part disponed to the said Earl, in addition to the 10½ acres of Scotstoun hill, 4 acs. 1 ro. 36 falls 2¼ ells of the lands of Binns, bounded by West Craig and Binns on the east, West Craig on the south and Binns on the west and north; as also 3 ac. 3 falls 3¼ ells of the lands of Scotstounhill, bounded by Scotstounhill on the east, the part of Scotstounhill disponed to the General on the south, West Craig on the west, and Binns on the north; and also 10 ac. 3 ro. 1 fall 1½ ells of Scotstounhill bounded by Scotstounhill on the east, Barronshall lands pertaining to James Dundas of Philipstoun on the south, the part of Scotstounhill disponed to the Earl on the west, and West Craig and the part of Scotstounhill disponed to the Earl and the part thereof belonging to the Earl on the east and north. Dated at Edinburgh, 1 July 1676. Witnesess, Mr. Edmund Myles, servitor to the said Earl, James Kay, W.S., and John Gourlay, his servitor. (Signed) "Linlithgow, T. Dalyell," and the witnesses.

363. DISPOSITION by General Thomas Dalyell of Binns in favour of Captain Thomas Dalyell, his son, of all ferms, rents, profits and duties of his lands and estate, presently addebted, or that shall be addebted, to him at the time of his death; also the "hail outsight and insight plenishing, utensillis, and domiceillis of my dwelling-house with my cornes, cattell, horse, nolt, sheep, and all my other goods and geir whatsomever." Also all gold, silver, jewels, rings, in the house or in the custody of anyone, belonging to the disponer, and all heirship movables, with power to intromit with his affairs; with reservation of liferent. Dated at Binnis, 27 September 1676. Witnesses, James Eassone and William Sethetherum, servants of the said General. (Signed) "T. Dalyell," and the witnesses.

364. INSTRUMENT OF SASINE in favour of General Thomas Dalyell of Binns in the lands of Carwick and in 10 ac. 1 ro. 1 fall 1½ ells of Easter and Wester Scotstoun, following on dispositions in Nos. 310 and 362. Sasine given on the ground of the subjects *successive* to Captain Thomas Dalyell, younger, son of the said General, attorney for his father, 13 November 1676. Witnesses, Mr. John Arthour, minister of Abercorn, John Boge in Scotstounhill, James Hardie in Philipstoun and Alexander Arthour, servitor of Mr. John Hay of Woodcockdaill. Notary, Andrew Crawfurd.

365. INSTRUMENT OF SASINE in favour of General Thomas Dalyell in the 7 ac. 1 ro. 1 fall 2 ells of the lands of West Craigs, following on disposition in No. 310. Place, attorney, date and witnesses as in No. 364.

366. CHARTER by the Commissioners of James and Anna, Duke and Duchess of Buccleuch and Monmouth, superior of the lands underwritten, confirming the contract in No. 362, in respect of the 7 ac. 1 10. 1 fall 2 ells of the lands of West Craigs. Dated at Edinburgh, 13 December 1676. (Signed) "Rothes, Dundonald, W. Dumfries, Kincardin, Cochrane, W. Bruce, Ja. Standsfeld" (Commissioners). Seal wanting.

367. ACCOMPT Generall Delayell for John Delayell to Bailie Drummond, 1676.

			lb.	*s.*	*d.*
Nov.	27.	3¼ ells of fustione, 15ss. ell - - -	2	8	9
1677.					
Jan.	16.	5 quarters broad blacke ribbene - -		5	0
Feb.	8.	5 quarters of blacke ribbene - - -		5	0
March	24.	1 pair of worsted stockings - - -	1	16	0
		7 ells of clothe searge, 54ss. ell - - -	18	18	0
		4½ ells of tweele at 8ss. ell - - -	1	16	0
		Ane unce of silke - - - -	1	1	0
		2½ ells of stamped caleicoe for lyning of the coat rufel - - - - - -	2	10	0
		9 dosene of mandele[1] bottones, 6ss. dosene -	2	14	0
		4 dosene of Justicoat[2] ditto, 3ss. dos. - -		12	0
		4 ells of waltines[3] 12ss. and 3 ells of tape 3ss. -		15	0
		9 ells of brod purpre ribbene at 6ss. ell - -	2	14	0
		1 ell of 10d. ditto - - - - -		8	0
		6 quarter of 10d. ditto - - - -		12	0
			36	14	09
		For making of the suite - - - -	2	8	0
			39	2	09
		For ane cane & cock hat - - - -	4	10	00
			43	12	09

At Edinburgh, the second day of April 1677 yeiris Receeved in name of George Drummond, merchant in Edinburgh, full and compleit payment of the above accompt wherfor I doe discharge the said compt as witnes my hand. (Signed) "Alexr. Heriott."

Endorsed: payed this aceompt to baillie Drummond's man Ap. 2, 1677 for John Dalyell's affere.

368. DISCHARGE by Thomas Robison, Robert Craig, Robert Marshall and John Henderson, witnesses adduced for General Thomas Dalyell against Mr. Ezekiel Montgomerie, of £14: 8s. expenses modified by Lords Linlithgow and Colingtoun. Dated at Edinburgh, 8 June 1677. Witnesses, John Jamesone and John Patersone, writers in Edinburgh. (Signed) By the parties and the witnesses.

369. MARRIAGE CONTRACT between David Beatson of Powguild, with advice and consent of Janet Bosewell, his mother, widow of David Beatson of Carden, on the one part, and Mary Dalyell, daughter of the Right Honourable General Thomas Dalyell of Binns, with consent of the said General, on the other part, whereby the said David binds him to infeft the said Mary Dalyell in liferent of an annualrent of 1000 merks furth of his lands of Dundonald and Powguild, lying in the parish of Auchterdiran and sheriffdom of Fyffe; and the said General binds him, with consent of Captain Thomas Dalyell, his eldest son, to pay to the said David

[1] Mandevile—jerkin with or without sleeves.
[2] A sleeved waistcoat. [3] Welting.

[illegible] as before. Dated at Edinburgh and Binns, 4 and 7 August 1677, and written by James Williams, servitor to James Hay, W.S. Witnesses: at Edinburgh, Mr David Dewar, advocate, and the said James Hay; and at Binns, Mr John Arthur, minister at Aberdour (sic),[1] and James Easson, servant of the said General. (Signed) "David Dewar, Janet Drawill, Marie Dalyell, T. Dalyell, Thomas Dalyell," and the witnesses.

370 OBLIGATION by William Monteith of Wrae and John Dundas of Maner, disponers of the lands of Candecoattis, to deliver to the disponee, General Thomas Dalyell of Binns, all the titles of the said lands. Dated at Wrae, 18 December 1677. Witnesses, James Monteith of Auldcathie, and Andrew Blackster, servant of the said John Dundas. (Signed) as in No. 315, and by the witnesses.

371 EXTRACT REGISTERED OBLIGATION by Sir Walter Seaton of Abercorn to relief Sir James Cockburn of that Ilk, who is his cautioner for sundry debts and bonds, in his lands of Grugfoot in the parish of Carriden, and in his lands of Magdalens in the parish of Linlithgow. Dated at Edinburgh, 2 February 1678. Witnesses, John Bain, sheriff clerk of Berwick, and William Hay, servant of the said Sir James. Registered in the Books of Council and Session, 10 May 1678.

372 TESTAMENT of General Thomas Dalyell of Binns, in which he nominates Thomas Dalyell, his eldest son, as his sole executor and directs him to pay to Thomas Dalyell, younger, and to Charles Dalyell the portions to be paid to them under a Bond of Provision of the date of the will; and declares that the said will shall not be prejudicial to the dispositions granted to his said eldest son, of date 27 September 1676. Dated at Binns, 27 July 1678. Witnesses, James Easson, servant of the said General, and James Hay, W.S. in Edinburgh, writer of the will. (Signed) "T. Dalyell," and the witnesses.

373 RATIFICATION by General Thomas Dalyell of Binns of his disposition in No. 341 in favour of his eldest son, Thomas Dalyell, and his heirs with destination therein specified, together with a new disposition, also in his favour, with similar destination, of the lands of Coudames and Glanderston as in Nos. 322 and 323. Dated at Edinburgh 5 August 1678.

374 PERMIT to General Dalyell to erect a Loft in Carriden Church.

At the Kirk of Carridden the sixt of Februarie 1679. The which day the Visitors afternamed appointed by the Presbytery to meet there this day in order to the accomodating of such heritors with seats in the said kirk who alleadged that they were not sufficiently accomodated therewith being met conforme to ane Comissione given by the Bishope of Edinburghe to the presbytery authorizing the said appointment, viz., Mr John Mowbray, Mr John Arthour, Mr. Charles Crafurd, Mr William Man, Mr James Hamiltone, with Mr John Pairk, minister of the said paroche. Mr John Mowbray was chosen Moderator, And William Bissatt clerk to the visitation. And the Moderator after the reading of the Bishops letter and the act of the presbytery authorizing the visitation having required the Beddell by calling at the kirk dore to require such of the heritors to compeer who had any complaint to make in reference to their seats in the churche, compeired Captain Thomas Dalyell, fier of Binns, as factor for His Excelency General Dalyell, his father, complaining that albeit his father is one of the most considerable heritors of the said paroche hath notwithstanding no seat in the said church for his lands of the Staks. Nather hath any rowme in the churche where himselfe can conveniently sitt as all the rest of the heritors of the said

[1] *Recius* Abercorn. Minister of Abercorn 1661-81. (*Fasti Ecc. Scot.*, I., 190.)

paroche have. The Brethren of the visitation above named having heard the said complaint And judgeing it most reasonable that his excelency should have satisfactione therein, Doe therefore unanimously appointe and designe all and haill that highe rowme betwixt the great dore and the southwest window which is next to the pulpett for the building of ane Loaft consisting of thrie ells and ane quarter in lenth and two ells and a quarter wanting two inches in Breidth with power to his Excelency to caus build the said Loaft so soon as he shall see it convenient for to doe and to build ane stair in the Church yard ascending to the highe dore on the southside wall which dore is to be the entry to the said Loaft. In respect the Brethren were informed that none of the rest of the heritors could clame any interest in the said roume and there was none that compeered to make any objectione in the contrair albeit the minister had made publict intimatione to the congregatione of this present visitatione upon Sunday was eight dayes being the twenty sixt of Januarii. (Signed) "J. Moubray,[1] J. Arthour,[2] Ch. Craufurd,[3] W. Man,[4] J. Hamilton,[5] J. Park."

375. THE KING'S COMMISSION* for General Dalyell for Commanding the forces and Militia in Scotland. (Superscribed) Charles R.

Charles the Second, etc., as in No. 274. To our right trusty and well-beloved Councellor General Thomas Dalyell, Greeting. Wee reposing especiall trust and confidence in your Courage, Loyalty, and great Experience in Military affaires (of all which wee have had many Signall Testimonies) Doe by these presents Nominate, Constitute, and Appoint you the said Generall Thomas Dalyell to be Lieutenant, Generall over all and singular Our Forces, Horse, Foote and Dragoones already raised or hereafter to be raised whether Standing Forces, Our Militia or Our other Forces whatsoever within Our ancient Kingdome of Scotland. Giving hereby unto you Our Lieutenant-Generall full power and authority to Command all Our said Forces. You are therefore carefully and diligently to discharge that trust by doing and performing all things thereunto belonging. And wee doe hereby command All Officers and Soldiers of all Our said Forces to Honour and Obey you as their Lieutenant-Generall, and yourselfe to observe and follow all such Orders and Directions as you shall from time to time receive from Us, Our Privy Councell of that Our Kingdome, or Our right trusty and right entirely beloved Counceller, Our Naturall son, James, Duke of Buccleuch and Monmouth, Generall of all Our said Forces during his stay in that Our Kingdome, according to the Rules and Discipline of Warre; in pursuance of the great trust wee doe repose in you by this Our Commission which is to continue in full force untill it shall be discharged by us in Writing under our Royal hand.

Given at Our Court at Whitehall, the 19th day of June 1679, And of Our Reigne the 31st year.

By His Majesties Command,

(Signed) "Lauderdale."

376. GIFT* of 400lb. sterling pension to Gen. Dalyell.

Charles the Second, etc., as in No. 274. To the Lords Commissioners of Our Thesaurarie that now are or hereafter shall be Our Thesaurers principall and depute and all other Receavers of Our Rents, Revenues, Customes and Casualities whatsoever within Our Ancient Kingdome of Scotland And to the Lords Auditors of Our Accompts And to all and sundrie others Our Leidges and Subjects whom it effeirs to whose knowledge thir presents shall come, Greeting. Forasmuchas

[1] Minister of Uphall. [2] Minister of Abercorn. [3] Minister of Ecclesmachan.
[4] Minister of Bathgate. [5] Minister of Bo'ness.

Wee considering that Wee have lately granted our commission to Our right trusty and well-beloved Counsellor General Thomas Dalyell to be Lieutenant General of all Our Forces raised or to be raised within Our Ancient Kingdome of Scotland And Wee calling to minde the great and signall services formerlie done and performed to Us and Our Royal Father (of blessed memory) by Our said Lieutenant Generall And being desirous to enter and keeping upon him ane Mark of Our Royal favour and bounte for his further encouragement to persist in the same state in Our service which (upon all fitt occasions) did Signallie appear on his account Therefore wittye ye us with the advyce and consent of the Lords Commissioners of Our Thesaurarie and of the remanent Lords and others Our Commissioners of Our Exchequer in Our said Kingdome To Have Given Granted and Disponed Likeas Wee by these presents Give Grant and dispone to the said General Thomas Dalyell as Our Lieutenant Generall aforesaid Ane yearlie pension of foure hundred pounds sterline money to be paid unto him at two termes in the year Whitsunday and Martinmes by equal portions whereof the first termes payment is to be and begin at the terme of Mertinmes next ensueing the date of these presents Requyreing hereby you the sands Lords Commissioners of Our Thesaurarie that now are or or that hereafter shall be Our Thesaurers Principall and Depute And all other Receavers of Our Rents, revenues, Customes and Casualities whatsoever within Our said Kingdome To readilie answer and pay the said pension to Our said Lieutenant-Generall; whose receipt in whole or in part shall be unto them and all others that may be therein concerned As also to you the sands Lords Auditors for allowing the same in your accompts ane sufficient warrant.

Given under Our Privie Seale att Our Court att Windsor Castle the thirtieth day of August 1679 years And of Our Reigne the threttie ane year.

Per signaturam manualem Supremi Domini nostri Regis supra-scriptum manibusque Commissionariorum thesaurii Scotiæ quorundamque dominorum aliorumque Commissionariorum Scaccarii et Thesaurarii eiusdem Regni subscriptum.[1]

Endorsed: Written to the Privie Seale the nynth day of December 1679.

Sealed at Edinburgh the 19 of December 1679.

377 WARRANT by General Dalyell for fishing on Loch Libo.

Kilmarnocke.
May 25, 1680.

Thes are to give Libertie to Leut-Cornell Cocharan to put a boat In the loch att Caldwall and to recreat himselfe by taking of fishes or any other why he plesses. (Signed) "T. Dalyell."

378. DISCHARGE by George Drummond, merchant in Edinburgh, in favour of Captain Dalyell for £42 : 16s. in payment of an account due to him by General Dallyell Dated at Edinburgh, 16 July 1680. (Signed) "George Drummond."

379. Thomas Dalells accompt to David Wilson, merchant in Quinesferrie. 1680, 15 July.

12 dobbeltries at 17s. a pice	-	-	10 04	00
2 singeltries at 10s. a pice	-	-	01 00	00
1000 cletes at 52lb. a 1000	-	-	63 06	08 (*sic*)
		Summa	74 10	08

I, David Wilson merchant in Quinesferrie grante me to heave recived

[1] The deed is neither superscribed nor signed. This pension was never paid.

from Thomas Dalell full and complit payment of this accompt and preceiding thes deat als witnes my hand at the bines. 30 December 1680. (Signed) "David Wilson."

380. TACK for 19 years of the Teinds of the lands of Blacknes, lying in the parish of Carriden and sheriffdom of Linlithgow granted by John,[1] bishop of Edinburgh, with consent of the chapter of the cathedral church of Edinburgh, in favour of General Thomas Dalyell of Binns and Captain Thomas Dalyell and his heirs of tailyie, for payment of 3s. and 4d. yearly to the said bishop, and to the minister of Carriden what they were wont to pay yearly. Dated at Edinburgh, 17 November 1681. Witnesses, Mr. Thomas Paterson and Thomas Miller, servants of the said bishop. (Signed) "Jo. Edinburgen, Wa. Annand, dec. Edinen, W. Robertson, And. Cant, Mr. Ninian Paterson, Ro. Bruce, R. Scott and A. Lundie, presbyters." Fragment of seal attached.

331. COMMISSION to Lietenant-Generall Dalyell to be Colonell of His Majesties Regiment of Dragoones[2] in Scotland. (Superscribed) Charles R.

Charles the Second, etc., as in No. 274. To Our right trusty and welbeloved Councellor Thomas Dalyell, Our Lieutenant-Generall of all Our Forces in Our Ancient Kingdome of Scotland, Greeting. Whereas Wee have thoght fit for the good of Our Service to order a Regiment of Dragoones to be formed out of the three Companies of Dragoones already standing in that Our Kingdome and three Companies more to be added to them Wee doe now (out of the great experience Wee have of your Loyalty, Courage and Good Conduct) Nominate, Constitute and Appoint you to be Colonell of Our said Regiment of Dragoones. As also Captaine of a Company thereof. You are therefore carefully and diligently to discharge the Duty of a Colonell and a Captaine of the said Regiment and Company respectively by exercising the same in Armes both Officers and Souldiers and keeping them in good order and Discipline: And Wee doe hereby command them to obey you as their Colonell and Captaine, and yourselfe likewise exactly to observe and follow all such Orders and Directions as you shall from time to time receive from Us, Our Most Dear and Most Entirely beloved Brother, James, Duke of Albany and York, Our High Commissioner, or Our Privy Coucell of that Our Kingdome in pursuance of the Trust hereby reposed in you.

Given at Our Court at Whitehall, the 25th day of Nov. 1681, and of Our Reigne the 33rd year.

By His Majesties Command,

(Signed) "Murray."

332. COMMISSION to General Thomas Dalyell to seize the persons of Hoome and Nisbit who designed to murder the Bishop of Edinburgh. (Superscribed) Charles R.

28th March 1682.

Right Trusty and Welbeloved Councellor, Wee Greet you well. Whereas We are credibly informed that some pernitious Villaynes have lately been contriving the murther of Our Right Trusty and Welbeloved Councellor the Lord Bishop of Edinburgh[3], of which number one of the Surname of Hoome and another of the Surname of Nisbit have within these few days come to Edinburgh in order to the effectuating of that Hellish Design. It is Our will and pleasure and We doe hereby authorise and require you to use your utmost endeavours for causing the said Hoome and Nisbit with such other Persons as shalbe Given in

[1] John Paterson, bishop of Edinburgh, 1679 to 1687. [2] The Scots Greys.
[3] John Paterson (*Fasti Ecc. Sc.*, vii, 342).

a Lett to you by the said Lord Bishop to be Seized and strictly secured in Prison, untill Wee shall signify Our pleasure to Our Privy Councell heere in order to their Tryall; which Wee will certainly Doe sae soon as Wee shall have notice of their commitment. For Wee have sae great a regard to his Person and function, (besides the adherrence that Wee have of such a villanous contrivance against any of Our subjects) that Wee will have the utmost Severity of Our laws put in execution against any were shall be found Guilty of that horrid crime. Soe expecting Your utmost diligence in this matter and an account thereof from You Wee bid you Farewell.

Given at Our Court at Newmarket, the 28th day of March 1682, and of Our Reigne the 34th year.

By His Majesties Command,

(Signed) "Murray."

383. MARRIAGE CONTRACT between Captain Thomas Dalyell, younger of Binns, and Agnes Murray, widow of Mr. John Ellies, younger of Ehestoun, whereby the said Agnes assigns to the said Captain Thomas an annualrent of 1800 merks on the lands of Ehestoun, lying in the lordship of Kilpunt and sheriffdom of Linlithgow, and further the said Agnes renounces any terce that may fall to her at the death of the said Captain Thomas, unless he provide one willingly during his lifetime. Dated at Edinburgh, 17 April 1682. Witnesses, John Ehes of Ehestoun, younger, John Murray, brother to the laird of Livingstonn, Captain Thomas Dalyell[1] in Colonel James Douglas's Regiment under the Prince of Orange, James Hay, W.S., and John Gourlay his servitor (writer of the contract). (Signed) "Thomas Dalyell, Agnes Murray," and the witnesses.

384. MINUTE OF CONTRACT signed by the contracting parties of same date as No. 383.

385. BOND OF PROVISION by General Thomas Dalyell of Binns, wherein under a disposition to his grandchild, Thomas Dalyell, eldest son born of the marriage of Thomas Dalyell, the said General's eldest son, and the late Katherine Drummond, he made his said grandson liable for the payment of these portions to the General's other children: To Thomas Dalyell, his second son, 8000 merks; to John Dalyell, his third son, 6000 merks; to Charles Dalyell, his fourth son, 4000 merks; to Marie Dalyell, his eldest daughter, 3000 merks; to Anna Dalyell, his daughter, 3000 merks; and to Margaret Dalyell, his daughter by Marion Abercrombie, 3000 merks. Dated at Edinburgh, 3 August 1682. Witnesses, George Cleland, servant of the said General, James Hay, W.S., and Harry Hoome, his servitor. (Written by John Robertson, also servitor of the said James Hay.) (Signed) "T. Dalyell," and the witnesses. Registered in the Sheriff Court Books of Linlithgow, 16 February 1694.

By his Disposition and Bond of Taillie of the same date General Dalyell disponed all his estates to his said grandson, and the heirs male of his body; whom failing to the heirs female of his body; whom failing to his grandson William Dalyell, the second son born of the said marriage, and his heirs male and female; whom failing to any person hereafter nominated by the General; failing which nomination to his grand-daughter, Magdalen Dalyell, the eldest daughter born of the said marriage, and heirs male and female; whom failing to his grand-daughter, Janet Dalyell, the youngest daughter born of the said marriage, and her heirs male and female; whom failing successively to his second son, Thomas Dalyell, to his third son, John Dalyell, to his fourth son, Charles Dalyell, to his eldest daughter, Mary Dalyell, to his daughter, Anna

[1] Commonly called in the family "Black Tom"; second son of the General.

Dalyell, and to his daughter, Margaret Dalyell, daughter of Marion Abercrombie, and their heirs male and female. Place and witnesses as above. Registered in the Books of Council and Session, 24 March 1701.

386. COPY OF BOND OF PROVISION by General Thomas Dalyell of Binns, supplementing the provisions of Bond of Provision in No. 385 by bequeathing these portions: To William Dalyell 10,000 merks, to Magdalen Dalyell 8000 merks, and to Janet Dalyell 6000 merks, all children of the marriage of Captain Thomas Dalyell, eldest son of the General, and the late Katherine Drummond. Dated at Canongate, 11 January 1683. Witnesses, John Cant, servant of the said General, and James Hay, W.S. (Written by Robert Cumming, servitor of the said James Hay.)

387. (*Vernacular.*) INSTRUMENT OF SASINE in favour of Thomas Dalyell as in No. 385, in the lands of Binns, etc., Abercorn Mure, Waltoun, Caldcoats and Stacks, following on disposition and tailyie of these lands by General Thomas Dalyell as in No. 385, and of others therein mentioned. Sasine given on the ground of the said lands by Thomas Young, elder, in Binns, bailiff for the said General, to Thomas Young, younger, in Binns, attorney for the disponee, 12 Jan. 1683. Witnesses, James Henderson in Caldcoattis, James Easson and James Hodge, servants of the said General, and James Allan, gardener in Binns. Signed by the witnesses. Notary, James Craufurd.

388. INSTRUMENT OF SASINE following on No. 385 in favour of Thomas Dalyell, grandson of General Thomas Dalyell of Binns, in the barony of Knockmead, as in No. 319. Sasine given on the ground, 7 February 1683. Witnesses, John Pollok, James Cochran in Dunneflett, Robert Flemyng, miller at Biggertmyln, and Robert Steinsone in Polleik. Notary, Gavin Fork.

389. WILL* of General Thomas Dalyell.

I, General Thomas Dalyell of Binns, Considering that it is the deutie of all Christians so to order their affairs in their own tyme that all differences which may fall out theiranent after their death may be obviat and prevented, Doe therfor being at present sick in bodie but of sound judgement and memorie Make my last Will and Testament as follows: In the first place I committ my Soule to God Almightie my Creator Hoping to be saved by the merits of Jesus Christ my only Lord and Redeemer, And I desyre my freinds when it pleases God to call me to cause decentlie to interr my bodie, And for my worldlie estate I nominat Thomas Dalyell, my grandchild, procreat of the marriage betwixt Thomas Dalyell, my son, and Katherine Drummond, his spouse, And failying of him be deceis the next heir of tailyie and provisione appointed to succeed after him and the aires of his bodie, to my estate To be my only executor and universall Legator and intromettor with my haill goods, geir, debts, soumes of money and others perteining, or which shall happen to pertein, and be resting to me at the tym of my deceis and falling under testament, To whom I leav and bequeath the same to be used and disposed upon at my said executoris pleasure. Which goods, geir, money and debts I leav to my said executor with the burden of all debts that shall be resting be me at the tym of my deceis, And with the burden of the portions and provisions I have granted to Thomas Dalyell, my second sone, John Dalyell and Charles Dalyell and to Marie ~~and Anna Dalyell~~ my children, conform to a band daited the third of August 1MVIc eighty two, And also with the burden of the provisions of my younger grandchildren, procreat betwixt the said Thomas my son and Katherine Drummond, And with the burden of Two thousand merks, to my neece, Mrs. Jean Drummond, and I have appointed Anna's name

to be delet And lesh hers and Margaret's out of the said band of pentsione. And I remit and referre to Mr. John Arthur, minister of the Gospel, and James Hay what they think to allow to my sonne Thomas yearlie during his lifetyme out of his sonnes estate. And likewayes with the burden of fyve hundreth merks Scots money which I leave to Elizabeth Addinstoun, my landlady, Relict of Thomas Cowley, in legacie. And ankilyk I nominat Captain Thomas Dalyell, my eldest sonne, to be Tutor to his sonne Thomas, my grandchild, and his other children with the said Katherine Drummond during the tyme of their years of Tutorie. The said Tutor being obliged to doe nothing relating to the management of his sonnes estate without the consent of James Hay, Wryter to the Signet. And that this my last will and testament may be the more valid, I Revock all testaments and other deeds that may militat against or be prejudicall hereunto. In witnes whereof (written be James Hay, Wryter to the Signet) I have subscrived thir presents At Cannegait the Third day of January 1[M]VI[C] and Eighte fyve years before thir witnesses Andrew Ross of Nenk and Archibald Campbell, my servitor. (Signed)[1] "T. Dalyell," and the witnesses.

390 DUPLICATE of No. 389, but with this addition:

I, the said Captain Thomas Dalyell, acknowledge that I have receaved from the said James Hay The above written latter will and testament, and that I have the keeping of the principal whereof this is the Copie, and shall make the principal forthcoming for my sones use and his named Executor and for the use of the other persones contenit therein whensoever I shall be desyred. In witness whereof (written by Mr. Robert Monteith, indweller in Edinburgh) I have subscrived thir presents with my hand Att Edinburgh 5th April anc thousand six hunder auchtefyve yeires Before thir witnesses, Mr. John Arthour above written and Alexander Gibsone, servant to the said James Hay, Writer to the Signet. (Signed) "Thomas Dalyell," and the witnesses.

391 COMMISSION by the Barrons and Freeholders within the Sheriffdom of Linlithgow to General Dalyell, 20 March 1685.

We undersubscryvers, Barrons and Freeholders within the Sheriffdom of Linlithgow, in obedience to our Soveraign Lord the Kings Most Sacred Majestie his proclamation, dated at Whitehall the —— day of —— last Indicting anc Parliament to be holden within his ancient Kingdom of Scotland at Edinburgh the Nynth day of Aprile next to enure with continuation of daves, Doe hereby Nominat Constitute and Appoint His Excellence Generall Thomas Dalyell of Binnyes our verrie lawfull undoubted and irrevocable Commissioner for Us and in Our names to conveen and meitt with the Noblemen, Bishops and remanent Commissioners of other Sehyres and Burrows within this kingdome in the parliament to be holden be His Majestie or His Commissioners in His Majesties name the day and place forsaid with continuation of daves. And there to treat, voice and determine and conclude in all matters to be proponed, agitat and opened up at the said parliament. Sicklike and als freely in all respects as we might doe Ourselves if We were personally present. Obliedging Us to hold firme and Stable all and whatsomever things Our said Commissioner shall doe anent the premisses.

In testimonie whereof thir presents are subscrived with Our hands Att Linlithgow the twentie day of March 1685 years.

(Signed) "J. Hamilton, Walter Dundas, Patrick Moray, J. Houstoune, Ro. Mylne, Jo. Hamiltone, J. Dundas, Thomas Drummond, T. Skene, Will. Hay."

[1] The testator's signature is very feeble.

392. COMMISSION to Generall Thomas Dalyell to be Lieutenant-Generall of all His Majesties Forces in Scotland, 30 March 1685. (Superscribed) James R.

James the Seventh by the Grace of God, etc., as in No. 274. We doe by these presents Nominate, Constitute and Appoint you to be Lieutenant-Generall over all and singular Our Forces, Horse, Foote, and Dragoones already raised or hereafter to be raised, whether Standing Forces or Militia or Our other Forces whatsoever, within Our ancient Kingdome of Scotland, etc., as in No. 274.

Given at Our Court at Whitehall the 30th day of March 1685, and of Our Reign the 1st year.

By His Majesties Command.

Signed "Morray."

393. EXTRACT of the Blazoning of the Coat Armoriall belonging to Generall Thomas Dalyell of Binns.

7 Aug. 1685.

To all and Sundrie whom it effeers I, Sir Alexander Areskine of Cambo, knight and baronet, Lyon King of Armes, Considering that by the twentie one Act of the Third Session of the Second Parliament of Our Late Dread Sovereign Lord King Charles the Second of blessed Memorie, I am impowered to visit the wholl Armes of Noblemen, Prelats, Barons, and Gentlemen within this Kingdome and to distinguish them with congruent differences, And to matriculat the same in my Books and Registers and to give Armes to virtuous and weell deserving persons and extracts of all Armes Expressing the Blazoning thereof under my hand and Seall of office ; which Register is thereby ordained to be respected As the true and unreapealable rule of all Armes and Bearings in Scotland To remain with the Lyon Office as a Publict Register of the Kingdom. Thairfor Conforme to the tenor of the said Act of Parliament I testify and make knowen That the Coat Armour appertaining and belonging To His Excellency General Thomas Dalyell of Binns And approven of and confirmed be me to him is matriculat in my said Publict Register upon the day and date of thir Presents and is thus Blazoned, viz., The said General Thomas Dalyell of Binns for his Atchievment and Ensigne Armoriall Bears Sable a Naked man with his arms hanging down au naturel On a Canton Argent a Sword and Pistol disposed in Saltir proper ; On ane Helmet befitting his degree with a mantle gules doubled argent and wreath of his Collours is sett for his Crest A dexter hand issueing from the Torse Grasping and brandishing a simiter Supported on Each Side by a Pavilion Pole with this motto in ane Escroll : I Dare : Which Coat above Blazoned I declair to be the said General Thomas Dalyell of Binns his true Coat and Bearing.

In Testimonie whereof I have subscrived this Extract with my Hand and have caused append my Seall of Office thereto.

Given at Edinburgh the Seventh day of August and of His Majesties Reigne the 1st year 1685. (Signed) "Alexr. Areskin Lyon."

Seal wanting.

394. FUNERAL EXPENSES of General Thomas Dalyell of Binns. Dated 2 September 1685. This document is printed in the *Proceedings of the Society of Antiquaries of Scotland*, vol. x, Fifth Series, Session 1923-24 (pp. 349-350).

395. SCROLL INVENTORY of the Plenishings of the House of the Binns, dated 5 September 1685, with three fair copies thereof dated 1697. This Inventory with an Introduction is printed in the Proceedings, etc., as in No. 394, pages 344 to 370.

Errors noted : on p. 348, line 8, the correct date of Hochstadt is

13 August 1704, on p. 351, line 28, for *West* read *East*; on p. 357, line 17, for *big* read *punching*.

326 PATENT OF BARONETCY in favour of Captain Thomas Dalyell of Binns, 7 November 1685. (In Latin: *Translation.*)

James by the Grace of God, King of Great Britain, France and Ireland, Defender of the Faith, to all honest men to whom our present letters shall come, Greeting. Know that We considering the many faithful and distinguished services rendered to Our Royal Father, Charles I, and to Charles II of ever living memory by General Thomas Dalyell of Binns in those military appointments with which (that he might be the more devoted to the Crown) he had been honoured by them and by Us. And because overcoming the difficulties he encountered and patiently enduring losses in fulfilling his appointments, he with distinguished and loyal service ever performed his duty; and especially recalling the very great services rendered to Our Royal Brother of blessed memory in November 1666 by the said General Thomas Dalyell in defeating and suppressing Our rebellious subjects who with their associates had then appeared in arms against the Royal Authority to overturn the Laws of the Kingdom; and considering besides that Captain Thomas Dalyell, now of Binns, eldest son of the said General Thomas Dalyell, has on every available opportunity afforded sufficient evidence of his eagerness and readiness to obey Our Commands, And in promoting Our well being has followed the example of his loyal father. Therefore for these special reasons graciously deciding to confer a distinguished and lasting mark of Our Royal favour on the said Captain Dalyell and his family whereby they may be inspired to continue in their duty and loyalty to Us and Our Royal successors, We of Our certain knowledge and by Our Royal power and prerogative have given, granted and conferred, as by these presents We give, grant and confer, on the said Captain Thomas Dalyell and after his death on Thomas Dalyell, his eldest son and his heirs male and of tailzie following him in hereditary right to the estate and family of Binns, the Title, rank, degree and honour of Knight Baronet, and by these presents We make, constitute and appoint them Knights Baronets for all time: Ordaining them always to enjoy and brook the title, priority and precedence of a Knight Baronet and all other privileges, immunities and honours whatsoever belonging, or which by whatsoever statutes, customs and practices in Our dominions shall be judged to belong thereto. And We ordain likewise that in all State Letters and other writings of whatsoever kind as in all Councils, Judicial Assemblies and gatherings, public or private, the said Captain Thomas Dalyell and his son after him and his heirs shall have similar priority and precedence and also their wives and children shall have the precedence and priority due to the wives and children of Baronets: And by these presents We dispense with the general practice now and with all rites and ceremonials in use and wont of old. Further We command the Lyon King of Arms and his brethren, heralds and pursuivants, to grant and prescribe to the foresaid Captain Thomas Dalyell such Armorial Bearings or additions to his former Bearings as are wont to be granted in like cases. In witness whereof We have ordered Our Great Seal to be appended to these presents. Given at Our Court of Whythall, 7 November 1685, and of our reign the 1st year.

Sealed at Edinburgh the seventh day of December 1685.

"Jo. Cunyngham."

Written to the Great Seal and registered the fifth day of December, 1685. "Jo. Campbell, Dpt."

337. DISCHARGE by Marion Abercrombie, indweller at the head of the Canongate, for £80 Scots paid to her as a half-year's annual rent of 4000

37. Protocol Book of Sir Alexander Gaw. Price 5s.
38. Parish Register of Durness, 1764-1814. ,, 6s.
39. Protocol Book of Sir William Corbet, 1529-55. ,, 3s.
40. Parish Register of Torphichen, 1673-1714. ,, 2s.
41. Parish Register of Kilbarchan, 1649-1772. 140 pp. ,, 10s.
42. Scrymgeour Inventory, 1611. 70 pp. ,, 6s.
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merks, owing to Charles Dalyell, her son, conform to the Bond of Provision of the late General Thomas Dalyell of Binns, his father. The payment was made by James Hay, W.S., in name of Sir Thomas Dalyell of Binns, Bart. Dated at Edinburgh, 19 January 1686. Witnesses, George Gibsone, Robert Ged and James Inglis (writer of the deed), servitors of the said James Hay. (Signed) "Marion Abercrumbi," and the witnesses.

398. OBLIGATION by Captain Thomas Dalyell, second son of the late General Thomas Dalyell of Binns, to repay, in the event of his having no lawful children of his own, to the said General's grandson, eldest son of Sir Thomas Dalyell and the late Katherine Drummond, the sum of 8000 merks now paid to the said Captain Thomas under his father's Bond of Provision in No. 385. Obligation dated at Edinburgh, 18 February 1686. Written by Robert Ged as in No. 397. Witnesses, Mr. John Arthour, minister of the Gospel, and the said James Hay, W.S. (Signed) "T. Dalyell," and the witnesses.

399. FACTORY AND COMMISSION by John Dalyell, third son of the late General Thomas Dalyell of Binns, in favour of Sir Thomas Dalyell, Bart., elder of Binns, his brother, authorising him to intromit with his affairs, and to pay to Christian Eleis, wife of the said John, what sums of money she shall call for. Dated at Edinburgh, 19 July 1686. Witnesses, James Hay, writer in Edinburgh, and James Inglis (writer of the deed), his servitor. (Signed) "J. Dalyell," and the witnesses.

400. POSTNUPTIAL MARRIAGE CONTRACT between John Moubray in Manerstoune, eldest son of James Moubray in Scotstoun, on the one part, and Mary Dalyell, natural daughter of Sir Thomas Dalyell of Binns, on the other part, whereby the said John declares that he is "presently worth in plenishing, pennie and pennie worth" the sum of 3000 merks Scots, which sum he binds him to make forthcoming to the said Mary Dalyell, his wife; and the said Sir Thomas binds him to pay to the said John 500 merks in name of tocher. Dated at Linlithgow, 24 July 1686, and written by Henry Keir, servitor of Andrew Craufurd, sheriff clerk of Linlithgow. Witnesses, the said Andrew Craufurd and Henry Keir. (Signed) "John Moubray, Thomas Dalyell," and the witnesses.

Discharge by the said John Mowbray in favour of Sir Thomas Dalyell on payment of the said 500 merks of tocher. Dated at Binnes, 21 December 1691. Witnesses, James Ker, tenant in Binnes, John Duffes, servant to the said Sir Thomas, and Andrew Craufurd, sheriff clerk of Linlithgow. (Signed) "John Mowbray," and the witnesses.

401. DISCHARGE by Charles Dalyell, youngest son of the late General Thomas Dalyell of Binns, with consent of Marion Abercrombie, his mother and sole curatrix, in favour of Sir Thomas Dalyell, Bart., elder of Binns, in name of Thomas Dalyell, younger of Binns, his eldest son, of the sum of £80 Scots, as in No. 397. Dated at Canongate, 13 August 1686. Witnesses, James Inglis, litster, burgess of the Canongate, and James Binny, his servitor. (Signed) "Charles Dalyell, Marion Abercrumbe," and the witnesses.

402. CHARTER OF CONFIRMATION by Charles Hope of Hoptoun with consent of Dame Margaret Hope of Hoptoun, his mother and tutrix, and of Sir William Hope of Grantoun and Mr. Archibald Hope of Rankeiller, his tutors, of the disposition to the late General Thomas Dalyell of the parts of Easter and Wester Scotstoun, as in No. 362, and of the disposition and tailyie by the said late General to his grandson, as in No. 385, of all the lands therein named, that lie in the barony of Abercorn. Charter dated at Edinburgh, 15 January 1687. Witnesses, Mr. David Hales, John Brown, writer, Charles Wilson, son of Thomas Wilson,

merchant in Edinburgh, and George Cook, servant of the said Mr Archibald Hope. (Signed) "Margaret Hope, Will. Hope, A. Hope," and the witnesses. Seal wanting.

403. PERCEPTY OF *Clare Constat* by Charles Hope of Hoptoun with consents, as in No. 402, in favour of Thomas Dalyell as heir to his grandfather in the acres of Easter and Wester Scottoun, as in No. 362. Date, place, witnesses and signatures as in No. 402. Seal wanting.

404. DISCHARGE by Mr James Kirkwood, schoolmaster in Linlithgow,[1] in favour of Sir Thomas Dalyell of Binns of the sum of £80 Scots, being a year's interest of the principal sum of 2000 merks addebted to him by the said Sir Thomas and his son, Thomas Dalyell of Binns, under their obligation of date 6 March 1686. Discharge dated at Linlithgow, 2 February 1687. Witnesses, Alexander Masterton, merchant burgess of Linlithgow, and John Craich, merchant burgess of Culros. (Signed) "J. Kirkwood," and the witnesses.

405. DISCHARGE as in No. 401. Dated at Edinburgh, 4 February 1687. Witnesses, William Haliday and Robert Dalyell, servant of Captain John Dalyell. Signed as in No. 401.

406. (*Latin.*) INSTRUMENT OF SASINE following on No. 403. Sasine given on the ground by James Allane, gardener in Binns, bailiff for the superior, to Patrick King in Binns, attorney for Thomas Dalyell, 22 February 1687. Witnesses, James Craufurd, son of the notary, John Monteith, surgeon burgess of Linlithgow, Lewis Craufurd and Henry Keir, servitors of the notary. Signed by the witnesses. Notary, Andrew Craufurd.

407. BOND granted by John Tripney, younger in Wester Kincavle, in favour of Marie Gardner, daughter of Nicol Gardner, merchant burgess of Linlithgow. Dated at Kincavle, 4 April 1687. Witnesses, Jeremiah Hunter and William Higgins, merchant burgesses of Linlithgow. (Signed) "John Tripnay," and the witnesses.

408. BOND by Sir Thomas Dalyell, elder of Binns, in favour of Thomas Drummond of Riccarton. Dated at Edinburgh, 29 April 1687. Witnesses, Walter Hamilton of Bangour, James Hay, W.S., and Alexander Gibsone (writer hereof), his servitor. (Signed) "Thomas Dalyell," and the witnesses.

409. HERITABLE BOND of 5000 merks granted by Sir Thomas Dalyell of Binns, with Thomas Drummond of Riccarton as his cautioner, in favour of Mr. James Kirkwood, schoolmaster in Linlithgow, and Gelecina Van Broast [*recte* Beest], his wife, with destination to their daughters, Magdalen, Gelecina and Margaret, whom failing to their other children, secured on the lands of Meikle Parkley, lying in the sheriffdom of Linlithgow, to be held of the said Sir Thomas, whom failing by decease, of his second son William Dalyell; containing precept of sasine directed to James Nicoll, doctor[2] of the school of Linlithgow. Dated at Edinburgh, 17 May 1687. Witnesses, Mr. Robert Monteith (writer of the deed), indweller in Edinburgh, James Hagertt, James Paul and Richard Johnston, servants to Hugh Blair, merchant vintner, burgess of Edinburgh. (Signed) "Thomas Dalyell, Thomas Drummond," and the witnesses.

410. EXTRACT REGISTERED DISPOSITION by James Dundas, younger of Philpstoune, eldest son and heir of the late James Dundas of Philp-

[1] From 1675 to 1690. [2] Assistant teacher.

stoune, with consent of Elizabeth Hamilton his mother, in favour of Sir Thomas Dalyell of Binns and of Thomas Dalyell younger of Binns, his eldest son, of the mill of Philpstoun, and the piece of land at the said mill, presently occupied by the miller, for which he pays 6 firlots of bear and 10 hens yearly, together with the Shilling[1] Hill, and ground to set a whin stack on, on the south of the dam; with reservation of the grass of the dam and loch (when they are dry); with multure and knaveship as were formerly paid by the late General Thomas Dalyell of Binns and his tenants of Binns to the said late James Dundas, viz., for each kilnful of oats consisting of 12 bolls one heaped peck of sheiling with one straiked peck of meal, and two "loomful of meal conforme to the present milne loom, the two containing some more than two pecks." And to the said mill are thirled the lands about Philpstoun House, extending to about 15 acres, belonging to the disponer. Dated at Philpstoun, 20 May 1687. Witnesses, James Monteith of Auldcathie, James Monteith, younger, his son, Mr. Alexander Dalgleish of Galleyscruik, Andrew Craufurd, sheriff clerk of Linlithgow, and Henry Keir (writer of the deed), his servitor. Registered 21 July 1712.

411. DISCHARGE as in No. 401. Dated at Edinburgh, 3 October 1687. Written by the said Charles Dalyell. Witnesses, Harie Haliday and Patrick Abercrombie. Signed as in No. 401.

412. DISCHARGE as in No. 401. Dated at Edinburgh, 17 February 1688. Witnesses, William Haliday and Patrick Abercrombie. Writer and signature as in No. 401.

413. (*Vernacular.*) INSTRUMENT OF SASINE following on disposition in No. 410. Sasine given on the ground by delivery of earth and stone of the ground and of the clapper of the mill by William Gourlay, dryster at the said mill, bailiff for the disponer, 25 February 1688. Witnesses, Captain John Dalyell, William Muire, his servant, James Allane, gardener at Binns, and Lewis Craufurd, servitor of the notary. Signed by the witnesses. Notary, Andrew Craufurd.

414. OBLIGATION by Sir Thomas Dalyell of Binns to repay by Whitsunday 1689 to Mr. James Kirkwood, schoolmaster of Linlithgow, the sum of 2000 merks which the said Sir Thomas had borrowed from him at Candlemas 1688, and which he had sent to his own brother John Dalyell and Christian Eleis, his wife. Dated at Linlithgow, 15 March 1688. Witnesses, Andrew Craufurd, sheriff and town clerk of Linlithgow, Henry Keir, his servitor, and Lewis Craufurd (writer of the deed), his servitor. (Signed) "Thomas Dalyell," and the witnesses.

415. CONTRACT between Thomas Drummond of Riccartone and Sir Thomas Dalyell of Binyes, whereby the said Thomas Drummond grants to the said Sir Thomas permission to build a dam for the water at the New Mill, lately acquired by him from James Dundas of Philptoun, which dam is to be built at the east end of the Eirock burn on the east part of the march of the said Thomas Drummond's lands of Pardovine, or on any other part of his lands lying on the said burn, on condition that the tenants of Pardovine shall have power to let out the water of the dam on the 1 of March and that the dam shall not be closed until the 1 of October. Dated at Pardovine, 11 April 1688. Witnesses, Captain Alexander Hendersone of Newhaven, William Bell, writer in Linlithgow, and Patrick Sandie, his servitor, writer hereof. (Signed) "Thomas Drummond, Thomas Dalyell," and the witnesses.

416. DISCHARGE by Mr. James Kirkwood, as in No. 409, in favour of Sir

[1] *i.e.* sheiling hill, on which corn was winnowed.

Thomas Dalyell of Binns of the sum of 300 merks, being a year's interest on the bond in No. 409. Dated at Linlithgow, 16 June 1688. Witnesses, Daniel Cameron, one of the doctors of the school of Linlithgow, and William Paton, son of Archibald Paton, baxter, burgess of Linlithgow. (Signed) "J. Kirkwood," and the witnesses.

Similar discharge of the sum of £100 Scots, being 1½ years' interest on the bond in No. 404. Place, date, witnesses and signatures as above.

Similar discharge for payment of £20 Scots, being a quarter's interest on the bond in No. 404. Dated at the Binnes, 16 June 1688.

417. DISCHARGE as in No. 401. Dated at Edinburgh, 8 August 1688. Witnesses, Patrick Abercromble and Alexander Abercrombie. Writer and signature as in No. 401.

418. BOND for 1000 merks granted by Sir Thomas Dalyell of Binns for himself and as administrator for his son, Thomas Dalyell younger of Binns, in favour of Mr. James Kirkwood, schoolmaster of Linlithgow, for himself and acting for his son, Thomas Kirkwood. Dated at Binns, 13 October 1688. Witnesses, William Scotland, chaplain to the said Thomas Dalyell, younger, and Alexander Seatton, servant to the said Sir Thomas. (Signed) "Thomas Dalyell," and the witnesses.

419. INVENTORY of Mrs. Jean Drummond's papers: 1688.

(1) Duplicate of General Dalyell's Testament with acknowledgement by Captain Thomas Dalyell that he has the principal: dated 21 Oct. 1685.

(2) Bond for 2000 merks by Sir Thomas Dalyell, to Mistress Jean Drummond bequeathed to her by the General in his will: 20 Feb. 1686.

(3) Assignation by her to Janet Dalyell, her niece, and to Jean Beatson, Powgull's daughter, equally between them of the said 2000 merks: 14 Sept. 1686.

(4) Bond of Provision by General Dalyell whereby he and Thomas Dalyell, his grandson, are bound to pay the legacies detailed in his will: 11 January 1683.

(5) Contract between her and Riccartoun whereby he is bound to pay her 2500 merks: 20 March 1680.

(6) Assignation by her to Thomas Cornwall, son of Bonhard, of £1000 of the said sum: 11 July 1688.

(7) Her latter Will and Testament, nominating Lady Bonhard as her executrix: 14 September 1686.

(8) Discharge by Auldcathie's Lady to her: 9 June 1688.

420. DISCHARGE as in No. 401. Dated at Edinburgh, 19th April 1689. Witnesses as in No. 412. Writer and signature as in No. 401.

421. DISCHARGE by Mr. James Kirkwood, schoolmaster of Linlithgow, in favour of Sir Thomas Dalyell of Binnes, of payment of 600 merks, being a year's interest on 10,000 merks addebted to him by the said Sir Thomas. Dated at the Binnes, 5 June 1689. Witnesses, John Duffes and Thomas Caringtoune, servants of the said Sir Thomas. (Signed) "J. Kirkwood," and the witnesses.

422. EXTRACT DECREE in an action raised before the commissars of Edinburgh at the instance of William Johnston in Scrogs against Agnes Staines, widow of John Tripnay, as in No. 407, anent a bond. The commissars decerned in favour of the pursuer. Dated at Edinburgh, 15 March 1690.

423. DISCHARGE of a year's annualrent, as in No. 401. Dated at Edinburgh,

4 April 1690. Witnesses, Patrick Abercrombie and Alexander Lamb, servant of William Christe, stabler in Canneget. Writer and signature as in No. 401.

424. DISCHARGE by Mr. James Kirkwood, schoolmaster of Linlithgow, of the annualrent of a bond, as in No. 421. Dated at Binnes, 25 June 1690. Witnesses, Thomas Dalyell younger of Binns, and John Duffes. Signature as in No. 421.

425. DISCHARGE as in No. 401. Dated at Edinburgh, 22 August 1690. Witnesses, James Inglis and John Mortoun. Writer and signature as in No. 401.

426. TACK for 19 years granted by James Monteith of Auldcathie in favour of William Gairdner of these parts of the lands of Auldcathie :—Broken Cross, Halbands and part of Bullyiondaill, lying in the parish of Dalmenie and sheriffdom of Linlithgow. Rental, 14 bolls bear, 14 bolls oatmeal, 12 hens and 2 poultry (or 6/8 for each hen and 3/4 for each poultry), and 16 carriages of coal in the tenant's own sacks and on his own horses from the coalheughs of Bonhard, Grange, or any other place at a like distance from the place of Auldcathie. Dated at Auldcathie, 1 October 1690. Witnesses, William Bell, clerk of Linlithgow, and David Maine (writer of the deed), his servitor. (Signed) "Ja. Monteith, William Gairdner," and the witnesses.

427. OBLIGATION by Sir Thomas Dalyell of Binns to pay at Whitsunday 1691 to Mr. James Kirkwood, schoolmaster of Linlithgow, the sum of 500 merks which he has borrowed from the said Mr. James. Dated at Binnes, 30 December 1690. Witnesses, John Duffes and Thomas Caringtoun, as in No. 421. Written by Walter Cavers, servant to Thomas Dalyell, younger. (Signed) "Thomas Dalyell," and the witnesses.

428. DISCHARGE as in No. 401. Dated at Edinburgh, 24 February 1691. Witnesses, William Haliday and John Abercrombie, writers in Edinburgh. Writer and signature as in No. 401.

429. AGREEMENT between Sir Thomas Dalyell elder of Binns, Bart., on the one part, and Mr. John Arthour, minister of the Gospel, and James Hay of Carribber, W.S., acting under the disposition by the late General Dalyell in No. 385, and under his will in No. 389, on the other part; whereby they make this provision for the said Sir Thomas during the lifetime of Thomas Dalyell, his son. There shall be deducted from the rents of Binns and Caldwell all public burdens and annualrents of bonds, and the remainder shall be divided into three parts, whereof one third, estimated at 2000 merks, shall be paid to the said Sir Thomas; further he shall have the rents of Grugfoot and Caldcoats, and half the plenishing of the House of Binns, half of the yards, orchards and parks and half of the two dovecots at Binns. Dated at Carnbee and Carribber, 7 July and 24 Aug. 1691. (Written by John Gourlay, servitor of the said James Hay.) Witnesses at Carnbee: John Arthour, son of the said Mr. John Arthour, and John Leith, coal-grieve at Powguild. At Carribber: Lieutenant William Murray, brother to the laird of Stenhope, and Andrew Craufurd, sheriff clerk of Linlithgow. (Signed) "Thomas Dalyell, Jo. Arthour, J. Hay," and the witnesses.

430. DISCHARGE by Mr. James Kirkwood, schoolmaster of Linlithgow, of a year's interest, as in No. 421. Dated at Edinburgh, 28 July 1691. Witnesses, James Allan, servant of Sir Thomas Dalyell, and Dugald Dove, servant of the said James Kirkwood. Signature as in No. 421.

Also a Discharge of a year's interest on 500 merks. Place, date and signatures as above.

431 DISCHARGE as in No. 401. Dated at Edinburgh, 13 August 1691. Witnesses, Patrick Sime and John Mortoun. Writer and signature as in No. 401.

432 OBLIGATION by Sir Thomas Dalyell of Binns in favour of Thomas Dalyell, younger, his elder son, whereby he agrees that the lands and teinds of Parkley should be sold and the price applied in payment of debt contracted by the father. Dated at Caribber, 10 September 1691. Witnesses, Lewis Cranford and Andrew Darg, servants of James Hay of Caribber. (Signed) "Thomas Dalyell," and the witnesses.

433 INDENTURE made 14 October 1691 between Alexander Robinson, Burroughs Tees Nesse[1] in the kingdom of Scotland, mariner, lawful son and heir apparent of the late Alexander Robinson of the same place, mariner, and Alexander Neaven of Blacknesse, in the said kingdom, mariner, whereby the said Alexander Robinson for payment to him of £3 sterling and with security for a further payment of £11 : 10s. sterling has sold to the said Alexander Neaven all that room and cottage with four small rigs of land, occupied by the late Alexander Robinson, and lying in Blacknesse, the superior of which is the burgh of Linlithgow in the said kingdom. Notary, John Cowye, at the Hermitage Bridge, Wapping nigh London. Discharge in favour of the said Alexander Neaven for £3 stg. (Signed) "Alexander Robertson."

434 INVENTORY of the writs of the lands of Meikle Parkley, which were sold by Sir Thomas Dalyell elder of Binns, Bart., to Mr. George Dallas, second son of George Dallas of St. Martins, W.S., and to Agnes Riddell, his wife, in conjunct fee and liferent, by disposition of the date of the Inventory.

1. Charter by John Sandilands of Calder to Jean Fleeming, his wife, in liferent, of the lands of Parkley : 24 May 1560.
2. Precept of Sasine following thereon : 25 May 1560.
3. Instrument of Sasine following thereon : 29 May 1560. Notary, Nicol Robertsone.
4. Charter by the said John Sandilands to his said wife in liferent and to James Sandilands, his son, in fee : 26 Dec. 1563.
5. Instrument of Sasine following thereon : 27 Dec. 1563. Notary, John Gray.
6. Contract of annualrent between Sir James Sandilands, then designed James Sandilands of Slamanan, and John Learmonth of Overcraigs : 15 Oct. 1589.
7. Charter to the said John Learmonth and Elizabeth Aikenhead, his wife, following thereon : of same date.
8. Instrument of Sasine following thereon : 11 Nov. 1589. Notary, James Johnstoun.
9. Renunciation of the said annualrent and of another by the said John Learmonth in favour of the said Sir James Sandilands : 12 June 1602.
10. Another Renunciation of the same, not signed by the principals, but only by Thomas Aikenhead, merchant in Edinburgh : 1596.
11. Contract of annualrent between the said Sir James Sandilands and Dame Jean Crafurd, his spouse, on the one part and James Aikenhead, merchant in Edinburgh, and Elizabeth Moubray, his spouse, on the other part : 7 June 1596. Not signed by Sir James.
12. Extract Register of the same contract : 22 Sept. 1599.
13. Charter following thereon : 7 June 1596.
14. Instrument of Sasine following thereon, of same date. Notary, Mr. Andrew Ker.
15. Renunciation of said annualrent in favour of Sir James : 27 Nov. 1602.

[1] Borrowstounness.

16. Reversion granted by Mr. Alexander Hamilton, brother of the laird of Grange, for redeeming an annualrent furth of the said lands: 6 May 1596.
17. Renunciation of the said annualrent by the said Mr. Alexander Hamilton, then designed of Drumcross, in favour of Sir James: 27 Nov. ——.
18. Renunciation by Colonel Bartholomew Balfour and Beatrice Cant, his wife, in favour of Sir James of another annualrent: 11 July 1597.
19. Renunciation by James Ross of Wardlaw in favour of the said Sir James of another annualrent: 12 Oct. 1590.
20. Renunciation of another annualrent by James Park, merchant burgess of Linlithgow, and Margaret Hamilton, his wife, in favour of the said Sir James Sandilands: 12 Oct. 1590.
21. Two contracts between Dame Jean Crafurd, wife of the said Sir James, as having commission from her husband, on the one part, and Alexander Hamilton, tenant in Parkley, and Christian Ross, his wife, on the other part, whereby the said Alexander renounced all rights to the lands of Parkley with reservation of several tacks set by him to certain persons: 20 Oct. 1593.
22. Another contract between the same parties relative to contract in No. 21: 9 Nov. 1594.
23. Disposition by Sir James Sandilands of Slamanan and Dame Barbara Naper, his wife, in favour of Patrick Hamilton of Livingston of the lands of Parkley and teinds: 12 May 1600.
24. Bond granted by the said Sir James and his spouse in favour of the said Patrick Hamilton and his spouse, with letters of reversion granted by the latter: 12 May 1600.
25. Charter following on No. 23: of same date.
26. Another Contract between the said Sir James and his spouse and the said Patrick Hamilton and Euphemia Seatoune, his spouse, relative to contract in No. 23: 16 June 1600. (Not signed by Sandilands' Lady.)
27. Charter following thereon: 7 June 1602.
28. Another Charter of the same lands to be holden of the King: of the same date.
29. Contract between Sir James Sandilands and Mr. Andrew Sandilands whereby the latter renounces his rights to the lands of Parkley: 12 June 1602.
30. Instrument of Resignation *ad remanentiam* by the said Mr. Andrew in favour of the said Sir James: 12 June 1602. Notaries, Alexander Lawson and Robert Scott.
31. Charter by the said Sir James to the said Sir (*sic*) Patrick Hamilton and his spouse: 12 June 1602.
32. Obligation by the former to the latter: of same date.
33. Another Obligation by former to latter: 14 June 1602.
34. Assignation by David Aikenhead, merchant in Edinburgh, to the said Patrick Hamilton of a bond granted by —— Hamilton, the said Patrick's brother: 16 June 1603.
35. Crown Charter of Confirmation of a charter of the lands of Parkley in favour of the said Patrick Hamilton and Euphemia Seatoun, his wife: 8 May 1605.
36. Discharge of annualrent by Margaret, daughter of James Hamilton of the Peel of Livingston, to the said Patrick Hamilton: 4 July 1604.
37. Contract of Marriage between James Hamilton of Parkley and Isabella Maule:[1] 24 Sept. 1617.
38. Charter of the lands of Parkley by the Duke of Lennox to Patrick Hamilton of Livingstone: 2 July 1617.
39. Retour of General Service of James Hamiltone of Parkley as heir to his father Patrick: extracted from the Books of Chancery: 12 April 1621.

[1] Isabella Mauld, heir portioner of William Mauld, merchant burgess of Edinburgh, her father.—(*Retours Gen.*, 16 Feb. 1622.)

40. Charter by the said James Hamiltone to his spouse in liferent : 4 Jan. 1623.
41. Discharge by Gavin Hamiltone of Inchmanchine to the said James Hamiltone of a debt due by him : 24 Aug. 1623.
42. Another Discharge by Alexander Seatoun, fiar of Gilcreuch, to the said James Hamiltone of a debt due to the said Alexander's brother, to which the said Alexander had right as heir : 20 June 1631.
43. Discharge of annualrent by Scotstarvet to the said James Hamiltone : 20 Nov. 1627.
44. Another Discharge of annualrent by Edward Little, skipper in Queensferry : 28 May 1627.
45. Bond granted by the said James Hamiltone to Mr. Alexander Seatoun of Gilcreuch, one of the Senators of the College of Justice : —— June 1629.
46. Assignation of said debt by Gilcreuch to the Lady Parkley : 27 July 1635.
47. Bond by the said James Hamiltone to Alexander Seaton, fiar of Gilcreugh : 20 June 1630.
48. Assignation thereof to the Lady Parkley : 26 Feb. 1635.
49. Bond by the said James Hamiltone to Sir John Scot of Scotstarvit, in name of Captain Sir James Scot : 27 Mar. 1626.
50. Assignation thereof to Isabel Mauld, Lady Parkley : 26 Feb. 1635.
51. Bond by the said James Hamiltone to Alexander Seaton, fiar of Gilcreugh : 20 June 1630.
52. Discharge of annualrent by John Hamiltone, portioner of Middleton, to Walter Cornwall of Bonhard and Mr. George Dundas of Mannor as cautioners in a bond granted by the said James Hamiltone of Parkley on 30 April 1626. Discharge dated 15 Dec. 1632.
53. Assignation of this debt by the said John Hamilton to his brother Mr. James Hamilton : 20 Nov. 1632.
54. Translation by Mr. George Dundas of Mannor of the half of the annualrent contained in the discharge granted to him by John Hamilton, portioner of Middleton, in favour of James Hamilton of Huntly : 24 July 1633.
55. Translation of the said bond by Walter Cornwall and Mr. George Dundas and Mr. James Hamilton of Huntly to Isabella Mauld : 20 Feb 1635.
56. Assignation by the said Walter Cornwall to the said Isabella Mauld of a bond granted by the late James Hamilton of Parkly to Andrew Milne, surgeon burgess of Linlithgow. Assignation dated 2 July 1635.
57. General Charge by Isabella Mauld to Alexander Hamilton, her son, to enter heir : 24 Dec. 1633.
58. Decree of Transferring in favour of the said Isabella Mauld against the said Alexander Hamilton, her son : 16 July 1635.
59. Another of the same : 10 Feb. 1636.
60. Bond by the said James Hamilton to his said spouse for an annualrent furth of the lands of Parkley to be uplifted during the minority of her daughter : 15 Aug. 1629.
61. Decree in favour of the said Isabella Mauld, decerning her said son Alexander to infeft her in No. 60 : 16 July 1635.
62. Letters of Horning following thereon : 24 Sept. 1635.
63. Letters at the instance of the said Isabella Mauld, requiring her said son Alexander to infeft himself as heir to his father : 28 Oct. 1635.
64. Charter by the said Isabella Mauld in favour of her said son, Alexander Hamilton, of the lands of Parkley : 2 Ap. 1644.
65. Charter of same lands to be holden of the King : same date.
66. Instrument of Sasine following on charter in No. 64 : 23 April 1644. Notary, Mr Andrew Ker.
67. Instrument of Resignation following on charter in No. 65 : 8 July 1646. Notary, Thomas Forrest.
68. Charter under the Great Seal following thereon : same date.

69. Precept of Sasine following thereon : same date.
70. Instrument of Sasine following thereon : 21 Nov. 1646. Notary, Mr. Andrew Ker.
71. Precept of Sasine furth of the Chancellary for infefting Alexander Hamilton as heir to his father : 24 March 1654.
72. Retour of the said Alexander as heir to his father : 14 Mar. 1654.
73. Instrument of Sasine following thereon : 27 March 1654. Notary, Mr. Andrew Ker.
74. Contract of Wadset between the late James Hamilton of Parkley and his wife, and Thomas Edward, elder, merchant burgess of Linlithgow, and Isabella Waugh, his wife : Aug. 1629.
75. Charter following thereon : 15 Aug. 1629. With ratification by the Archbishop of St. Andrews : 16 Dec. 1637.
76. Instrument of Sasine following on charter : 18 Aug. 1629. Notary, Robert Ker.
77. Letter of Reversion granted by the said Thomas Edward and his spouse : 15 March 1633.
78. Decree of Poinding the ground : Isabella Mauld against Thomas Edward (*sic*) : 26 July 1633.
79. Another Decree of the same against the same (*sic*), decerning for payment of byrun annualrents : 15 March 1634.
80. Decree of Registration of Wadset in No. 74, in favour of the said Thomas Edward against Alexander Hamilton as heir to his father : 8 Dec. 1638.
81. Precept of *Clare Constat* by the Archbishop of St. Andrews in favour of Thomas Edward as heir to his father, the said Thomas Edward : 11 Dec. 1637.
82. Instrument of Sasine following thereon : 13 Dec. 1637.
83. Disposition by the said Thomas Edward and the said James (*sic*) Hamilton of Parkley to Mr. Claud Hamilton in Wreath[1] : 8 June 1650.
84. Charter following thereon : same date.
85. Another Charter of the same to be holden of the King : same date.
86. Instrument of Sasine following on charter in No. 84: 20 July 1652. Notary, Mr. Andrew Ker.
87. Contract of Wadset of the said lands between the said Alexander Hamilton of Parkley and the said Mr. Claud Hamilton : 9 May 1654.
88. Instrument of Sasine given by virtue of precept of sasine in the same contract : 26 Dec. 1654. Notary, Mr. Andrew Ker.
89. Charter under the Great Seal confirming contract of wadset in No. 74, and also charter in No. 84, and contract of wadset in No. 87 : 6 June 1655.[2]
90. Disposition by the said Alexander Hamilton to the said Mr. Claud Hamilton relative to contract in No. 87 : 22 March 1656.
91. Assignation by Alexander Crichton, merchant burgess of Linlithgow, to George Young in Winsborrow of a sum contained in a decree at his mother's instance : 26 Dec. 1655.
92. Bond granted by the said Alexander Hamilton and his spouse to Christian Lawry : 25 Feb. 1653.
93. Extract of the said bond from the Books of Council and Session : 5 March 1655.
94. Assignation thereof by Christian Laurie to the said George Young : 25 Dec. 1655.
95. Bond by the said Alexander Hamilton and his spouse to Elizabeth Creighton : 14 Feb. 1649.
96. Registered Extract of said Bond from the Books of Council and Session : 7 Dec. 1655.
97. Translation by Robert and Elizabeth Meekles, children to the said Elizabeth Creighton, of the aforesaid bond, in favour of the said George Young : 2 Dec. 1655.

[1] *Rectius* Wrae. [2] *Reg. Mag. Sig.*, No. 409 : 8 June 1655.

98. Bond by the said Alexander Hamilton and his spouse to James Pender: 18 Jan. 1653.
99. Assignation thereof to the said George Young: 18 Jan. 1656.
100. Bond by the said Alexander Hamilton and his spouse to James Pender in Lanhithgow: 9 Aug. 1653.
101. Assignation thereof to James Pender in Wester Greenhill: 8 Jan. 1656.
102. Translation of the premises to the said George Young: same date.
103. Letters of Apprising at the instance of the said George Young on the above bonds: 24 Jan. 1656.
104. Decree of Apprising following thereon: 11 Feb. 1656; allowed on 20 Feb. thereafter.
105. Assignation of the said comprising by the said George Young to the said Mr. Claud Hamilton: 4 July 1656.
106. Bond by the said Alexander Hamilton and Anna Dundas, his spouse, to Christopher Allan, baker burgess of Lanhithgow, and Agnes Redden, his spouse: 25 May 1649.
107. Registered Extract of said bond: 12 Feb. 1656.
108. Letters of Apprising at the instance of Agnes Redden and Patrick Allan, her son: 13 Feb. 1656.
109. Decree of Apprising following thereon: 4 April 1656; allowed on the 16 of April thereafter.
110. Assignation of said process and decree to her said son: 17 Dec. 1656.
111. Disposition of the lands of Parkley and some contracts of wadset and decrees of apprising by Mr. Claud Hamilton to Robert Andrew and Margaret Stewart, his spouse: 13 Feb. 1657.
112. Charter following thereon: same date.
113. Another charter: lands to be holden of the King: same date.
114. Instrument of Sasine following on No. 112: 1 May 1657. Notary, Mr. Andrew Ker.
115. Instrument at the entering of the said Robert Andrew and his wife to the possession of the said lands: same date. Notary, Mr. Andrew Ker.
116. Disposition by the said Alexander Hamilton to the said Robert Andrew and his spouse, relative to the contracts, etc., mentioned in the other disposition: 17 Feb. 1657.
117. Instrument of Sasine following thereon: 1 May 1657. Notary, Mr. Andrew Ker.
118. Instrument of Resignation in the hands of the late Usurper by Mr. Claud Hamilton and Alexander Hamilton in favour of Robert Andrew and his spouse: 24 July 1657.
119. Charter following thereon: same date.
120. Instrument of Sasine following thereon: 28 Sept. 1657. Notary, Mr. John Bayne.
121. Disposition of the lands of Parkley by the said Robert Andrew and his spouse to Thomas Hamilton and Janet Foulis, his spouse: 14 and 16 Jan. 1659.
122. Judicial Ratification thereof by Margaret Stewart, wife of Robert Andrew: 15 Jan. 1659.
123. Instrument of Sasine following on No. 121: 16 (Jan.) 1659. Notary, Alexander Peter.
124. Instrument of Possession in favour of the said Mr. Thomas Hamilton and his wife: 19 Jan. 1659. Notary, Alexander Peter.
125. Instrument of Resignation in the hands of the Lords of the Treasury, following on No. 121: 21 Jan. 1659.
126. Instrument of Sasine following on a charter under the Great Seal[1]: 17 March 1659. Notary, Alexander Peter.
127. Charter by the Archbishop of St. Andrews: 4 May 1666.
128. Precept of *Clare Constat* by the said Archbishop for infefting John Hamilton as heir to his father, Mr. Thomas: 17 Aug. 1669.

[1] *Reg. Mag. Sig.* under date.

129. Instrument of Sasine following thereon : 31 Dec. 1669. Notary, David Young.
130. Factory and Commission by John Hamilton of Parkley to Thomas Drummond of Riccarton : 26 June 1684.
131. Wadset of the said lands to the said Thomas Drummond : 26 June 1684.
132. Disposition by them to Sir Thomas Dalyell of Binns and Agnes Murray, his spouse, and William Dalyell, his second son : 1 March and 29 April 1687.
133. Instrument of Sasine following thereon : 13 May 1687. Notary, Andrew Craufurd.
134. Charter of Confirmation by the Archbishop of St. Andrews : 15 June 1687.
135. Instrument of Resignation of the lands of Riccarton in warrandice of Meikle Parkley : 12 Aug. 1687. Notary, Thomas Hay.
136. Charter of Confirmation under the Great Seal confirming Nos. 132, 133, 134, and resignation of warrandice lands : of same date.
137. Instrument of Sasine of the said warrandice lands following thereon : 16 Jan. 1688. Notary, Andrew Craufurd.
138. Transumpt before the sheriff of Linlithgow of the writs of Riccarton : 20 July 1688.

The Inventory is dated at Edinburgh, 2 December 1691. Witnesses, John Robertsone, merchant and bailie of Edinburgh, George Dallas of St. Martins, James Hay of Carribber, James Nesmith, writer in Edinburgh, John Spotiswood, servitor to James Hay. (Written by John Veitch, also his servitor.) (Signed) "Thomas Dalyell, George Dallas," and the witnesses.

435. AGREEMENT between Dame Agnes Murray, widow of the late Mr John Eleis of Eleistoun, and now wife of Sir Thomas Dalyell of Binns, and the said Sir Thomas for his interest on the one part, and Elizabeth and Christian Eleis, daughters and heirs portioners of the said late Mr. John Eleis, with consent of David Scot of Scotstarvet, husband of the said Elizabeth, and Lieutenant-Colonel John Dalyell, husband of the said Christian, on the other part, whereby the said Sir Thomas and his wife discharge the said Elizabeth and Christian Eleis and their husbands of the sum of 600 merks yearly, being a part of the sum of 1800 merks claimed by the said Dame Agnes Murray under her marriage contract with her first husband, and in virtue of a clause of reservation in a bond of tailyie and provision made by her said first husband in favour of John Eleis her son, with destination to her said daughters ; and they assign the remaining 1200 merks yearly to the said David Scot and John Dalyell during the lifetime of Mr. John Eleis of Eleistoun, and the sum of £1000 after the said Mr. John's death, payable during the lifetime of the said Dame Agnes Murray. Dated at Edinburgh 15 December 1691, and written by William Trent, servant of James Hay of Carribber. Witnesses, Thomas Johnston, writer in Edinburgh, and the said William Trent. (Signed) "Thomas Dalyell, Agnes Murray, Elizabeth Eleis, David Scot, Jo. Dalyell, Christ. Eleis," and the witnesses.

436. DISCHARGE as in No. 401. Dated at Edinburgh, 5 February 1692. Witnesses, William Haliday and John Pollok. Writer and signature as in No. 401.

437. EXTRACT WARRANT of the Privy Council to the Governor of the castle of Blackness to examine the soldiers in the castle who were taken from Blackness lands, belonging to Sir Thomas Dalyell of Binns, by Captain Alexander Hamilton of Grange, to inquire whether they enlisted willingly for service in Flanders or whether they were pressed, and to report to the Privy Council, who shall accordingly give them

their liberty, or hand them over to the said captain. Extracted by Gilbert Eliot, clerk of the Privy Council, 15 Mar. 1692.

438. OBLIGATION by Charles Dalyell to repay to Marion Abercrombie, his mother, the sum of 2000 merks expended by her on his "aliment, lodging, abulyement, education and others." Dated at Edinburgh, 22 March 1692. Witnesses, David Somervell, writer in Edinburgh, William Simpeart, litster, burgess there, and John Mortoun, tailor. Written and signed by "Charles Dalyell."

439. DISCHARGE by James Monteith of Auldcathie in favour of Sir Thomas Dalyell of Binns and his son Thomas Dalyell, younger, of the sum of 2500 merks, being additional tocher of his eldest daughter Magdalen Dalyell, wife of the said James. Dated at Edinburgh, 4 August 1692. Witnesses, Lewis Crauford and Thomas Johnstoune, servitors of James Hay of Carribber. (Signed) "Ja. Monteithe," and the witnesses.

440. BOND by Sir Thomas Dalyell of Binns in favour of James Monteith of Auldcathie. Dated at Binns, 5 August 1692. Witnesses, John Duffus and James Allan, servants of the said Sir Thomas. Written by Alexander Guthrie, servitor of David Hay, writer in Edinburgh. (Signed) "Thomas Dalyell," and the witnesses.

441. DISCHARGE by Marion Abercrombie, as factor for her son, Charles Dalyell, in favour of Sir Thomas Dalyell elder of Binns, of an annualrent due to her said son. Dated at Edinburgh, 24 February 1693. Witnesses, Patrick Abercrombie, burgess of Edinburgh, and Mr. Walter Cavers, servitor to Thomas Dalyell younger of Binns. Signed as in No. 397.

442. DISCHARGE by Marion Abercrumbie of the annualrent as in No. 441. Dated at Edinburgh, 6 October 1693. Witnesses, Patrick Abercrombie, burgess of Edinburgh, and David Cumming, servant of William Simpeard, litster, burgess of Edinburgh. Signed as in No. 397.

443. OBLIGATION by Charles Dalyell to repay, in the event of his having no children, to Thomas Dalyell younger of Binns, the sum of 1000 merks which had been advanced to him as part of the 4000 merks left to him in his father's will. Dated at Edinburgh, 14 March 1694. Written by George Roberts, servitor of James Hay of Carribber. Witnesses, the said James Hay, and William Primrose, his servitor. (Signed) "Charles Dalyell," and the witnesses.

444. DISCHARGE by Charles Dalyell of the annualrent due to him. Dated [at Binns] 22 March 1694. Witnesses, James Allan and Thomas Caringtoun.

445. TRANSLATION by William Johnston in Lyne, formerly in Scroggs, in favour of David Plenderleith of Blyth, writer in Edinburgh, of an assignation by Agnes Staines, as in decree in No. 422. Dated at Edinburgh, 22 June 1694. Witnesses, John Jenkison and John Younger, servitors of the said David Plenderleith.

446. EXTRACT DECREE in an action raised before the Commissars of Edinburgh by Elizabeth Elies, eldest daughter of Mr. John Elies of Eliestoun, against James Monteith, now of Auldcathie, in which the said Elizabeth, as assignee of the late Margaret Sandilands, widow of James Monteith of Auldcathie, of all sums of money due to her at the time of her decease, claimed payment of what was due to the said late Margaret from the lands of Auldcathie between Whitsunday and the date of her death, —— August 1693. The Commissars decerned in

favour of the said Elizabeth for part of her claim. Dated at Edinburgh, 16 November 1694.

447. MARRIAGE CONTRACT between James Bell, younger, tenant in Easter Auldcathie, and Margaret Dalyell, natural daughter of General Thomas Dalyell of Binns, with consent of Sir Thomas Dalyell of Binns, her brother, whereby the said James Bell binds him to provide 200 merks to each child of the marriage, and the said Sir Thomas binds him to pay 1000 merks as tocher with another 1000 merks, being half of the 2000 merks left by the will of the said late General to the late Jean Drummond, sister of the laird of Riccartoune, and left in legacy by the said Jean to the said Margaret Dalyell. Dated at Binns, 7 September 1695, and written by Robert Masterton, writer in Edinburgh. Witnesses, William Dalyell, younger son of the said Sir Thomas, James Allan, his gardener, and the said Robert Masterton. (Signed) "James Bell, Tho. Dalyell, Margaret Dalyell (could not write)," and the witnesses.

448. DISCHARGE by Charles Dalyell of 1½ years' annualrent. Dated at Binns, 10 February 1696. [*No witnesses mentioned.*]

449. DISPOSITION IN SECURITY by Sir Thomas Dalyell of Binns and James Allan, factor and commissioner for Thomas Dalyell, younger of Binns, son of the said Sir Thomas, to the creditors of the said Thomas Dalyell, younger, viz., William Dalyell, his brother german, Janet Dalyell, his sister, Jean Drummond, his mother's sister, Magdalen Drummond, wife of Walter Cornwall of Bonhard, Margaret Dalyell, sister to the said Sir Thomas, Charles Dalyell, his brother, Christian Craufurd, widow of Captain Patrick Wishart, James Craufurd, younger of Lochquot, Anna Channell, widow of Mr. Alexander Seton, minister of Linlithgow, and others, of the lands of Binns, etc. Dated at Linlithgow, 27 April 1696, and written by Thomas Johnston, servitor of James Hay of Carribber. Witnesses, Gavin Miller, writer in Edinburgh, Thomas Waldie, servitor of Andrew Craufurd of Lochquot, sheriff clerk of Linlithgow, and Henry Keir, also his servitor. (Signed) "James Allan, Thomas Dalyell," and the witnesses.

450. FIARS of the sheriffdom of Linlithgow off the several grans, following the cropt and year 1696.

The Boll of good and sufficient Wheat -	11 lb.	10ss.
The Boll good and sufficient Beir - -	11 lb.	
The Boll good and sufficient Oats - -	8 lb.	
The Boll Oat Meall - . - -	9 lb.	
The Boll Peis - - - -	8 lb.	

(Signed) "J. Craufurd, Clk."

451. POST-NUPTIAL CONTRACT OF MARRIAGE between Captain Walter Shairp in the Regiment of Scots Fusiliers, now in Flanders, commanded by Colonel Archibald Row, on the one part, and Janet Dalyell, second daughter of Sir Thomas Dalyell of Binns, who was married to the said Walter on 9 March 1697, on the other part, whereby the said Walter Shairp binds him to settle 20,000 merks on the said Janet, with destination to Lieutenant-colonel William Shairp, his brother, whom failing, to Thomas Shairp of Houstoun, also his brother; and further to infeft her in the lands of Kettlestoune, lying in the barony of Kettlestoun, regality of Borrowstounes and sheriffdom of Linlithgow, in security of the said sum; in half the feu-duty of the lands of Bealsyde, belonging to James Hamilton of West Port; in half the feu-duty of the lands of Kettlestone Maynes and of Woodcockdaill, all lying in the said barony and sheriffdom; and in an annualrent payable from the lands of Kettlestone. And the said Janet Dalyell assigns to her husband the sum of 6000 merks due to her under her grandfather's bond of provision

in No. 385; also the sum of 1000 merks contained in a bond for 2000 merks granted by her father Sir Thomas Dalyell and her brother to Jean Drummond, daughter of the late William Drummond of Riccartoune, and assigned by the said Jean to the said Janet Dalyell and to Jean Beatsone, daughter of [David] Beatsone of Parryghie [Towguild] Contract dated at Edinburgh, 20 April 1697. Witnesses, Sir Patrick Abercrombie, commissary clerk of Edinburgh, Thomas Sharp of Hartsone, James Meriteath of Auldcathie, and Robert Nicolson (writer of the deed), eldest son of the late Mr. Thomas Nicolson, advocate. (Signed) "Walter Sharp, Janet Dalyell," and the witnesses.

452. DISCHARGE by Captain Charles Dalyell of one year's annualrent. Dated at Binns, 7 September 1697. [No witnesses mentioned.]

453. RECEIPT by Captain Charles Dalyell in favour of Sir Thomas Dalyell and his son for a credit for £25 sterling to be advanced by Mr. George Clerk in London. Dated at Binns, 6 October 1697.

454. LETTER OF CREDIT addressed to Mr. George Clerk, junior, merchant in Edinburgh:—

Binns, Oct. 9, 1697.

Sir,—I and my son Thomas Dalyell desires you to advance to Captain Charles Dalyell, in Coll. McGill's Regiment five and twenty ponds sterling at London and we oblige ourselves to pay the same to you, if not payd out of his subsistance; in doing whereof you oblidge

Your most humble servants

due on this £17 . 0 : 4½. (Signed) "Thomas Dalyell.
T. Dalyell."

I, Captain Charles Dalyell of Coll, George McGill's Regiment, grant me to have received from George Clerk, junior, merchant in Edinburgh, the above sum of Twenty-five pounds sterling by bills upon London. As witness my hand the 9 : 8ber 1697. (Signed) "Charles Dalyell."

Sir,—These are ordereing you to alow unto George Clerk, junior, out of the subsistance precept of my regiement five pounds 12ss. sterling monthly deduceing poundage for Captain Charles Dalyell subsistance untill my order to the contrarie when you are only to alow the said Captain Charles Dalyell subsistance as a lieutennent untill the above summe of twenty fyve pound sterling be payed and this shall be your warrand. Edinburgh, the 9th October 1697, the first monthly pay beginning the first of November next. (Signed) "G. Makgill."

For Captain Robert McKay, paymaster of my regiment.

455. AGREEMENT (supplementary to No. 429) between Sir Thomas Dalyell of Binnes and Thomas Dalyell, younger, his son, whereby the former restricts his liferent to one third of the free rents of the estates, and obliges himself to occupy the house of Binns and use the furniture only till his said son should marry. Dated at Binns, 1 November 1697. Witnesses, William Dalyell, second son of the said Sir Thomas, Andrew Craufurd of Lochquoat, sheriff clerk of Linlithgow, and Thomas Waldie, his servitor (writer hereof). (Signed) "Thomas Dalyell, T. Dalyell," and the witnesses.

456. AGREEMENT between the same parties whereby the said Sir Thomas is to have the third of the rents of Caldwell, should that estate be returned to the family. Place, date, witnesses and signatures as in No. 455.

457. AGREEMENT as in No. 429, renewed by Thomas Dalyell, younger, as he has now passed the age of 21 years, and has granted his father a discharge of his intromissions with the estates from the date of the

death of General Thomas Dalyell to the year 1696. Place, date, witnesses and signatures as in No. 455.

458. RENUNCIATION by Sir Thomas Dalyell of Binns and Dame Agnes Murray, his second wife, of her jointure of 12 chalders victual, to which, as his second wife, she was entitled under the provisions of a bond of tailyie and provision granted by the late General Thomas Dalyell of Binns, of date 5 May 1673. When the said bond was granted, the said Thomas Dalyell's first wife, Katherine Drummond, was still alive. Dated at Binns, 1 November 1697. Witnesses and signatures as in No. 455.

459. EXTRACT REGISTERED FACTORY AND COMMISSION by Thomas Dalyell younger of Binns, in favour of James Monteith of Auldcathie, his brother-in-law, during the said Thomas's intended absence in England. Dated at Binns, 12 January 1698. Witnesses, William Dalyell, brother of the said Thomas, and James Allan, gardener at Binns. Registered in the Sheriff Court Books of Linlithgow, 22 April 1698.

460. BOND OF CORROBORATION by Captain Charles Dalyell of the bond in No. 438, to which the accumulated interest is now added. Dated at Cannogate, 20 April 1698. Witnesses, Patrick Abercrumbie, burgess of Edinburgh, William Graham, servant of the said captain, and Thomas M'Dowall, writer in Edinburgh (writer of the deed). (Signed) "Charles Dalyell."

461. ASSIGNATION by Marion Abercrombie, residenter in the Cannongate, of the bond in No. 460, in favour of Joanna Dalyell, daughter of Lieutenant-colonel Dalyell. Place, date and witnesses as in No. 460.

462. RECEIPT by Captain Charles Dalyell in favour of Thomas Dalyell younger of Binns, for part payment of the balance of the sum due to him under his father's will. Dated at Auldcathie, 25 June 1698. Witnesses, Walter Cornwall of Bonhard and James Monteith of Auldcathie, writer hereof. (Signed) "Charles Dalyell," and the witnesses.

463. DISCHARGE by Captain Charles Dalyell of payment of his annualrent. Place, date, witnesses and signature as in No. 462.

464. DISCHARGE by Marion Abercrombie, as factor for her son Captain Charles Dalyell, of the annualrent due to him by Sir Thomas Dalyell and his son. Dated at Binns, 1 September 1698.

465. INVITATION to attend a funeral :—

Much Honred Sir,

The Honour of your presence upon Tuesday Being the 21st Instent at wane ocloke in the afternone to accompenie the Corps of My Dochter Margret Keir from my Dwelling Hous in Graingepans to Hir Burell place in the Church Yeard of Caredine is Earnstlie deyserd by Sir,

Your Honours Most Humbell Servant

(Signed) "A. Keir."

Addressed : Sir Thomas Dalyell of Binse.

466. ACCOUNT of what was furnished to the Funerall of the Right Honourable Sir Thomas Dalyell of Binns be David Mitchell

11 May	To a plowm cake	20	0	0
	To a hame weighting 16 pownd, 8s. per lb.	6	8	0
	To two lb. of comon indented bisqt.	2	18	0
	To a lb. of fine Ditto	2	8	0
	To a lb. of fine almond bisqt	2	14	0
	To two lb. Ditto	2	12	0
	To five lb. comon bisqt.	2	15	0
	To two lb. of mixt bisqt	2	12	0
	To six peckes of flour, 30s. per peck	9	0	0
15 May	To half a pownd of almonds	0	8	0
	To a pound of cordisithron[1] and peall	1	16	0
	To a quart of pepar	0	4	0
	To two quart of paper	0	5	0
	To a mutckin of roswater	0	6	0
	To two dozen and a half of apels	1	5	0
	To three botels of gosberes wherof one went to the kitchan	0	18	0
	To two pownd of rizers,[2] 24s. per pownd	1	4	0 (*sic*)
	To half a pownd of ryes	0	4	0
	To eight pecks of shortbread, 36s. per peck	14	8	0
	To six pecks of flour	9	0	0
	To five pownd of confections, 54s. per pownd	13	10	0
		94	15	0

Edinburgh, 29 May 1699.—Received payment of the above accompt from James Allan in name and behafe of the Right Honourable Sir Thomas Dalyell of Binns per me. (Signed) "Da. Mitchell."

467. RECEIPT by Marion Aberrombie, on behalf of her son Charles Dalyell, in favour of Sir Thomas Dalyell of Binns, for 10 bolls of oatmeal. Dated at Edinburgh, 15 January 1700.

468. GENERAL REVOCATION by Sir Thomas Dalyell of Binns, Bart., of all bonds, assignations, discharges and other writs granted by him during his minority. Dated at Edinburgh, 6 February 1700. Witnesses, James Hay, W.S., and Andrew Marjoribanks, his servitor.

469. MARRIAGE CONTRACT between Robert Campbell, surgeon in Edinburgh, and Katherine Brown, daughter of Hugh Brown, surgeon-apothecary, burgess of the said burgh, whereby the said Robert binds him to provide 9000 merks, and the said Katherine to deliver to the said Robert 8000 merks as tocher—the whole 17,000 merks to be invested in an annualrent. Dated at Edinburgh, 22 April 1700. Witnesses, Ronald Campbell, W.S., commissar of Argyle, James Wishart of Logie, James Colquhoun, captain of the King's Guard of Foot, Mr. Thomas Skene and Mr. John Fleyming, advocates, Robert Clerk, surgeon-apothecary, burgess of Edinburgh, George Cockburne, late bailie of Haddingtoun, John Reddoch, writer hereof, writer in Edinburgh, and Hugh Brown, merchant burgess of Edinburgh. (Signed) "R. Campbell, Katrin Brown," and the witnesses.

470. BOND OF PROVISION by Sir Thomas Dalyell, Bart., to pay 10,000 merks in liferent to his sister Janet Dalyell, wife of Captain Walter Shairp, brother of the laird of Houstoun, whom failing to her son Thomas Shairp and his heirs, whom failing to her daughter Elizabeth Shairp and her heirs, whom all failing, the said sum shall return to the said

[1] Citron. [2] Red currants.

Sir Thomas. Dated at Edinburgh, 26 April 1700. Witnesses, James Monteith of Auldcathie and Charles Ramsay, servant of the said Sir Thomas. (Signed) "T. Dalyell," and the witnesses.

471. Sir Thomas Dalyell of Binns his Accompt to William Ross, vintner, at his sister's funeralls.

	lb.	*s.*	*d.*
13 May 1700,			
for a soup with sparragrass kernels and lamb head -	4	10	0
for ane hot ham with spinnage and pigeons - -	10	00	0
for rost mutten and cutlittis - - - -	3	00	0
for a large dish of capons and chickens - -	9	12	0
for a dish of tairtes - - - - -	8	00	0
a grand sallade - - - - -	2	04	0
for lapslies - - - - - -	1	16	0
for ane orange pudding - - - -	2	00	0
for a feried pig - - - - -	1	08	0
for a large dish of muirfoulls and pigeons - -	11	16	0
French bread and 2 brown loaves - - -	3	14	0
Garnishing - - - - - -	0	18	0
To the Cellar—			
1 dozen bottles claret holding 12 pints 1 chopin -	17	10	0
6 bottles sack holding 3 pints and a mutchkin -	7	03	0
5 dozen bottles claret holding 31 pints 3 mutchkins sent to Binns - - - -	44	09	0
6 bottles whyte wyne holding 3 pints 1 mutchkin	4	11	0
3 trenschers lost - - - - -	2	05	0
	134	16	0

472. Receipt by Marion Abercrombie for her son's annualrent as in No. 464. Dated at Edinburgh, 8 June 1700.

473. Accompt Sir Thomas Dalyell of Binns to Alexr. Monteith.

To ane accompt formerly given in, extending to - -		45	0	0
1700, June 30.	Item a botle of spirit of win and camphire -	0	18	0
	Item a botle of cordial mixture - -	1	10	0
	Item ane urinall glas - - -	0	8	0
July 2.	Item a botle of cooleing ptisane - -	1	8	0
	Item a Stomachicall spirit - - -	1	0	0
	Item a glyster[1] - - - -	1	10	0
July 7.	Item a gill of cinnamon water - -	0	12	0
July 29.	Item to his man Charles a vulnerary drink -	1	10	0
	Item a glyster - - - -	1	4	0
July 30.	Item the glyster renewed - - -	1	4	0
July 31.	Item a botle of the vulnerary decoction renewed - - - - -	1	10	0
	Item the glyster renewed - - -	1	4	0
Aug. 4.	Item the vulnerary decoction renewed -	1	10	0
	Summa	60	8	0

474. Receipt by Marion Abercrombie of her son's annualrent as in No. 464. Dated at Edinburgh, 30 May 1701.

475. Receipt by Marion Abercrombie for 2 bolls of oatmeal as in No. 467. Dated at Edinburgh, 10 June 1701.

476. (*Vernacular.*) Instrument of Resignation of the lands of Waltoun,

[1] = clyster.

lying in the barony and parish of Carriddon, in the sheriffdom of Linlithgow, and within the dukedom and regality of Hamilton, and of the lands of Cauldcoatts, lying in the said parish, in the lordship and regality of Abbotskerse, and of the lands of Stacks in the said sheriffdom, dukedom and regality in the hands of the superior, Anne, Duchess of Hamilton, for new infeftment to be given to Sir Thomas Dalyell, grandson of the late General Thomas Dalyell. James Hamilton of Fenwickland, procurator under the letters of procuratory contained in a disposition granted by the said General, last heritable proprietor of the said lands, in favour of his said grandson of date 3 August 1682, "with all due humility and condigne reverence upon his knees as becomes dewly and lawfullie resigned, surrendered, upgave and delivered in the hands of the said mighty princess as superior aforesaid," all the said lands "by deliverance in the hands of the said high and mighty princess of a staff or baton, as use is, and which her Grace did accordingly accept of and receive, And immediately thereafter gave back the same in the hands of David Crawford, her secretary, attorney for the said Sir Thomas, in token of her Dimission and Giveing back of the said lands in favour of the said Sir Thomas Dalyell." Done at Hamilton in the upper chamber of the dwelling-house of the said David Crawford, 4 August 1701. Witnesses, Alexander Walker, servant of the said Duchess, and William Campbell, gardener in Hamilton. Notary, James Brown.

477 RECEIPT by Patrick Abercrombie, burgess of Edinburgh, on behalf of his sister, who is too ill to write, of her son's annualrent as in No. 464. Dated at Edinburgh, 12 August 1701.

478 DISCHARGE by Elizabeth Drummond, daughter of the late Thomas Drummond of Riccartoun, in favour of Sir Thomas Dalyell of Binns, Bart., of the annualrent of a bond. Dated at Edinburgh, 5 December 1701. Witnesses, William Dry, coachmaker and indweller in the Abbey, and Robert Nicolson, eldest son of the late Mr. Thomas Nicolson, advocate. (Signed) "Elizabeth Drummond," and the witnesses.

479 HERITABLE BOND OF CORROBORATION by Sir Thomas Dalyell of Binns, Bart., of the assignation by Magdalen Dalyell, his sister, and James Monteith of Auldcathie, her husband, of her portion of 8000 merks due to her under her grandfather's bond of provision in No. 385, in favour of James Craufurd of Lochcoat, eldest son of the late Andrew Craufurd of Lochcoat, and of Christian Wishart, his spouse, in conjunct fee, and of their translation of the annualrent thereof to Christian Craufurd, widow of Captain Patrick Wishart, eldest son of the late Dr. George Wishart, bishop of Edinburgh. Dated at Edinburgh, 1 June 1702. Witnesses, Alexander Guthrie, W.S., and John Trent, his servitor, writer of the deed. (Signed) "T. Dalyell," and the witnesses.

480 EXTRACT REGISTERED BOND by James Monteith of Auldcathie in favour of Dame Sarah Shairp, widow of Sir Patrick Aikenhead, commissary clerk of Edinburgh. Dated at Edinburgh, 6 August 1702. Witnesses, Robert Cuninghame, servant of Adam Blackader, merchant in Edinburgh, and James Marshall, writer there, writer of the deed. Registered in the Books of Council and Session, 24 Nov. 1705.

481 RENT paid by Sir Thomas Dalyell of Binns for lodgings in Edinburgh.

From 13 Jan. to 15 Feb. 1703 : 2/- per night -	3	6	0
From 27 Feb. to 21 April 1703 : 2/6 per night -	6	12	6
Sterling	9	18	6

482. EXTRACT DECREE in favour of the pursuers in an action of poinding raised before William Bell of Aventon, sheriff depute of Linlithgowshire, by Alexander Guthrie, W.S., for himself and in name of Jean Monteith, his wife, and of Alexander Guthrie, their son, against Sir Thomas Dalyell of Binns and his tenants, under a bond of date 4 December 1693 granted by the late Sir Thomas Dalyell of Binns and his eldest son Thomas, now Sir Thomas Dalyell of Binns, in favour of Charles Heart, mariner, Linlithgow, son of the now deceased Thomas Heart, bailie of Linlithgow, and assigned to the pursuers, 2 December 1702. Decree dated at Linlithgow, 2 July 1703.

483. REGISTERED TACK to Sir Thomas Dalyell of Binns, Bart., by Dame Sarah Shairp, wife of Captain William Cramond of Colonel George Hamilton's Regiment, of the lodging presently possessed by her and her husband lying on the south side of the High Street of Edinburgh, a little within the Nether Bow, for a yearly rental of £190. Dated at Edinburgh, 28 April 1704. Witnesses, James Marshall, writer in Edinburgh, and James Louttit, his servitor, writer of the deed. Registered 23 January 1705.

484. EXTRACT ACT OF PRIVY COUNCIL in favour of Robert, Earl of Carnwath, Colonel Thomas Dalyell, uncle of the said Earl, and Magdalen Dalyell, sister of Sir Thomas Dalyell of Binns, and James Monteith of Auldcathie, her husband, empowering them to take personal charge of the said Sir Thomas Dalyell and keep him in custody in his house at Binns, by reason of the "sore disease and distemper affecting his reason," and to appoint a factor to uplift 1000 merks yearly from his estate for his subsistence. Dated at Edinburgh, 4 July 1704.

485. REGISTERED DISCHARGE AND ASSIGNATION by Sir Philip Anstruther of New Grange in favour of James Monteith of Auldcathie of a bond granted by Sir Thomas Dalyell of Binns, the late Lieutenant-Colonel Dalyell of Moringside, and the said James Monteith, in favour of the said Sir Philip, therein designed Captain Philip Anstruther of New Grange, and Elizabeth Hamilton his wife, of date 22 and 24 March 1701. Discharge dated at Edinburgh, 8 March 1705. Registered in the Books of Council and Session, 12 Nov. 1707.

486. Under the MARRIAGE CONTRACT between Magdalen Dalyell, granddaughter of the late General Thomas Dalyell, and James Monteith of Auldcathie, dated 9 June 1688, the said Magdalen had a tocher of 8000 merks under her grandfather's bond of provision in No. 385. She and her said husband assigned the said 8000 merks as in No. 479. And now the assignees have assigned the bond to Jean Wishart, second daughter of the late Captain Patrick Wishart, and sister of Christian Wishart, as in No. 479. Dated at Linlithgow, 23 October 1705. Witnesses, Alexander Guthrie, W.S., and Alexander Duncan, his servitor. (Signed) "Ja. Craufurd, Ch. Wishart," and the witnesses.

487. DISCHARGE by James, Lord Torphichen, in favour of Sir Thomas Dalyell of Binns, Thomas Ellies, W.S., and James Arbuthnot, of two bonds for 2000 merks and 1000 merks, of which payment had been made by Christian Ellies, widow of Lieutenant-Colonel John Dalyell, in name of Thomas Dalyell, their only son, and the other obligants. Dated at Calder, 1 March 1706. Witnesses, Mr. Robert Hart, preacher of the Gospel, and Robert Crookshanks, servant of the said Lord. (Signed) "Torphichen," and the witnesses.

488. MEMORIAL for Sir Thomas Dalyell of Binns concerning his case in the process before the Session at the instance of the Ladies Caldwell against him. Anno 1706.

The late General Thomas Dalyell received the gift of the Caldwell forfeiture in 1690 (*see* Nos. 319 *et seq.*). The grant was ratified by Parliament in the same year. In 1690 all persons forfeited were restored. Thereupon the Ladies Caldwell raised an action for repayment of bygone intromissions preceding 1688.

The said late General served in the armies of the Czar of Russia, and "the Emperor was very loath to quite so good and faithful a servant who had contributed so much towards the civilizing of the country and bringing his armies under such Discipline that till then was unknown in Russia." The General was advanced by the Czar of Mosco to the dignity of one of the nobles of that country. On returning home he was appointed Commander-in-Chief of the Forces in Scotland to suppress the western rebels in 1680. He "rather pitied than insulted over these unfortunate people and signified to His Majesty and Ministers of State for the time his dissatisfaction at the cruel and severe usage that some of them met with; and so far resented that the quarters he had given to some of the prisoners was not regarded, that he laid down his commission at a time when there was considerable arrears owing him."

489. DECREE OF ABSOLVITOR by the Estates of Parliament in favour of Sir Thomas Dalyell of Binns for liability for the bygone rents of the estates of Caldwell prior to Martinmas 1688, for which he had been held liable, as representing the late General Thomas Dalyell, his grandfather, and the late Sir Thomas Dalyell, his father, by the Lords of Council and Session in an action raised by Barbara Cunynghame, Lady Caldwell, elder, widow of the late William Mure of Caldwell, and by Barbara Mure, Lady Caldwell, younger, only daughter and heir of the said late William Mure, and John Mure *alias* Fairly, her husband. Dated at Edinburgh, 20 February 1707. Extracted from the Records of Parliament.

490. INVENTORY OF WRITS relating to a bond[1] for 10,000 merks granted by Alexander, Earl of Kincardin, and others to the late General Thomas Dalyell of Binns, of date the 18, 23, 24 and 25 of August, October and February 1666 and 1667. The inventory is dated 13 March 1707.

491. LETTER from James Hamilton to Sir Thomas Dalyell.

Dublin, July the 8th, 1707.

Sir,—I received a Letter from you two days agon to Mrs Dalyell and have sent It to Her but before it come to Her hand she will be dyed. I dont know whether it will be news to tell you She has been married to a young fellow, a Roman Catholick, almost a 12 month and was before her marriage so unkind to her chyldren that I was obliged out of gratitude to the memory of the Colonel to take the Gardenship of them upon me by their Desire and have given security to my Lord Chancellor of a thousand pound to be accuntable to them when they are of age. Otherwise Mrs Dalyell would have put them in the hands of one that would have been directed by Her who would have Imbasled the Chyldrens portions and have uterly ruined them which they were sencible of. I will take care to raise the Chyldrens portions out of the estate as I am directed by the Colonels Testament and put It out to Interest so soon as I can raise the money out of the Estate. Mr. Thomas was in this Kingdom in January last past and I gave him the true state of his affairs. He is at present at Speethead aboard the Pembroke Man-of-War, a Midshipman, and goes with the Fleet commanded by Sir John Noris who takes on board the land Forces commanded by Major-General Willis, some say upon a descent, others say they go to Portugall. I wrote you a very long letter directed to the Post-Office at

[1] The bond was never discharged.—EDD.

Edinburgh to the care of my Brother to be sent to you which I suppose you received, and I did believe you would have favoured me with an answer wherin I gave you an account at large of the heads of the Colonells Testament, so I need not repeat them; wherin he leaves his estate to you fealling his aires mail of his sons, As It is in the Generals Sattlement which paragrafe he had coppied out when he was last in Scotland. If you will be pleased, Sir, to give me your directions in what you would have done in their affairs I will be advised by you. I have them all in Town and have put them to proper Scools and will take the best care I can of their Educations.

I am with Sincerity and respect, Sir,

Your most faithful and most humble servant.

(Signed) "Jas. Hamilton."

The letter I wiote you was so soun as I was informed of the Colonels Death.

Endorsed (in another hand): Mr. Hamilton's Letter in Relation to Black Colonel Dalyells Settlement.

Editors' notes:—

(1) The "Black Colonel" was Colonel Thomas Dalyell of Ticnevin in Ireland, second son of General Thomas Dalyell of Binns.

(2) He served as Captain in Colonel James Douglas's Regiment, known as such from 1680 to 1685, and formerly as Colyear's Regiment of Scots Dutch.

[Letter from the *Ross Herald* (the late Mr. Andrew Ross), dated 17 December 1921.]

492. TRANSLATION OF BOND in No. 485 to John Dundas of Duddingstoun. Dated at Edinburgh, 13 November 1707.

493. ASSIGNATION by Anna Chinnell [Channell], widow of Mr. Alexander Seton, minister of Linlithgow, in favour of Grissel Seton, niece of the said late Mr. Alexander and daughter of the late Sir Walter Seton of Abercorn, and now the wife of Edward Hodge, skipper in Grangepans, in liferent, and of Isabella Hodge, their daughter, in fee, of 1000 merks, being part of 5000 merks contained in a bond granted by Sir Thomas Dalyell of Binns to the said Anna. Assignation dated at Huntly [now Hiltly, near Linlithgow], 14 May 1708. Witnesses, William Mylne, son of Alexander Mylne, dryster at Linlithgow Bridge, and Joseph Barclay, servant to William Bell, clerk of Linlithgow. Intimated personally at Binns, 24 May 1708. Witnesses, the said Joseph Barclay, and James Duncan, son of the late Joseph Duncan, currier, Linlithgow.

494. ASSIGNATION by Anna Chinnell [Channell], as in No. 493, in favour of Alexander Seton, collector of Excise at Preston, nephew of her late husband, of a bond on Binns. Assignation dated at Linlithgow, 12 January 1709. Witnesses, James Duncan, servitor of William Bell, clerk of Linlithgow, and Alexander Bell, writer there. Registered in the Books of Council and Session, 4 June 1712.

495. ACCOUNT by Sir Thomas Dalyell to Mrs. Fogo in Linlithgow, 2 July 1709.

For making 1½ doz. Holland shirts at 1/2 sterling	12	12	0
For making 6 pillowbers[1] and darning holes in them	0	6	0
For mending 7 pair Holland sheets - - -	0	8	0
Holland for a pair of sleeves - - - -	2	13	8
Money Scots	15	19	8

[1] Pillowcases or slips.

496. DISCHARGE by Mr James Kirkwood, feuar in Kelso, at present residenter in Edinburgh, in favour of Sir Thomas Dalyell of Binns of £132 Scots, being a year's interest on 3600 merks addebted to him by a heritable bond. Dated at Edinburgh, 4 August 1709. Witnesses, Alexander Johnstoun, son of Alexander Johnstoun, merchant in Edinburgh, and George Handisyd, writer of the discharge. (Signed) "J. Kirkwood," and the witnesses.

497. TRANSLATION by Alexander Monteith of Todshaugh,[1] surgeon-apothecary, burgess of Edinburgh, and Elizabeth Smith, his wife, in favour of Mr. John Cate, advocate, under the marriage contract of date 11 March 1709 between him and Elizabeth Monteith, eldest daughter of the said Alexander, of a bond granted by James Monteith of Auldcathie, his brother german, of date 15 May 1696, in favour of William Inglis, eldest son of the late James Inglis in Bornie, and William Inglis, bailie of Linlithgow, and others; and of another bond granted by the said James Monteith on the same date in favour of Margaret Henderson, widow of the said James Inglis, and William, Thomas and Janet Inglis, her children; which bonds had been assigned to the said Alexander Monteith in 1705. Translation dated at Edinburgh, 17 November 1709. Witnesses, Alexander Guthrie, W.S., and the said James Monteith.

498. TACK for 16 years by Sir Thomas Dalyell of Binns to John Walker, tenant in Pardovan, of part of the moor of Philpstoun, extending to 60 acres, last possessed by Thomas Phaup. Rent 2s. Scots for the first year and £40 Scots for each succeeding year. Dated at Binns, 3 December 1709. Witnesses, James Allan, gardener at Binns, and Charles Ramsay, servant to the said Sir Thomas. (Signed) "T. Dalyell, J. Walker," and the witnesses.

499. TACK by Sir Thomas Dalyell of Binns to Moses Lawes, brickmaker at Blackness, empowering the tenant to dig clay for making bricks and tiles at the Braehead of Blackness. Dated at Binns, 31 December 1709. Witnesses, Charles Ramsay and James Allan, servants of the said Sir Thomas.

500. ACCOUNT for dinners in Edinburgh to Sir Thomas Dalyell.

1710, June 28.	Hotchpotch	0	3	0
	One pullet	0	10	0
	Chopin of Rhenish	1	10	0
	Bread and ale	0	4	0
	2 pies	0	4	0
	Scots	£2	11	0
June 29.	Broth	0	6	0
	Chicken	0	10	0
	Chopin of Rhenish	1	10	0
	Mutchkin of claret	0	15	0
	Bread and ale	0	2	0
	Scots	£3	3	0
June 30.	Broth	0	1	0
	Collops and 2 eggs	0	5	0
	2 pies	0	4	0
	Bread and ale	0	2	0
	Rhenish	1	10	0
	Mutchkin of wine	0	15	0
	Scots	£2	17	0

[1] Foxhall, in the parish of Kirkliston.

501. DISCHARGE by Mr. James Kirkwood as in No. 496 in favour of Sir Thomas Dalyell of Binns of £11 sterling, being (with retention money) a year's interest on £200 sterling due to him on a heritable bond of date 31 July 1708. Discharge dated at Edinburgh, 10 February 1711. Witnesses, William Hamilton, merchant in Edinburgh, and Alexander Kirkwood, writer of the discharge, youngest son of the said Mr. James. (Signed) "J. Kirkwood," and the witnesses.

502. DISPOSITION AND ASSIGNATION by John Dundas, elder of Dudingstoun, in favour of John Dundas, writer in Edinburgh, his second son, of the sum of 4000 merks due to him by Sir Thomas Dalyell of Binns and others under bonds in Nos. 485 and 492. Disposition dated at Dudingstoun, 4 April 1711, and written by Nicol Nisbet, servant to Mr. John Dundas of Philpstoun, advocate. Witnesses, David Carmichael of Balmedie and George Dundas younger of Duddingstoun, eldest son of the said John Dundas, elder.

503. DISCHARGE by Ann Cornwall, daughter of the late James Cornwall of Bonhard, in favour of Sir Thomas Dalyell of Binns, Bart., of the interest of a bond. Dated at Bonhard, 22 October 1711. Witnesses, Edward Bruce, surveyor of Borrowstouness, and Thomas Cornwall, son of Walter Cornwall of Bonhard.

504. TRANSLATION in favour of Alexander Guthrie, W.S., of part of a bond granted by Sir Thomas Dalyell of Binns to the late James Dundas of Philpstoun, who was succeeded by his brother, the late David Dundas of Philpstoun, who on 3 August 1693 assigned the said bond to the late Anna Channel, widow of Mr. Alexander Seton, minister of Linlithgow, with destination to her sister Mary, and part of which the said Anna Channel assigned to Anne Cornwall, daughter of the late James Cornwall of Bonhard: which assignation the said Anna Channel and George Seton, son of the late Alexander Seton, collector in Prestonpans, and grandnephew of her late husband, sought unsuccessfully to reduce. Dated at Edinburgh, 27 February 1712. Witnesses, Alexander Duncan and Alexander Callander, writers in Edinburgh. (Signed) "Anne Cornwall," and the witnesses.

505. DISCHARGE by Mr. James Kirkwood, as in No. 496, of two years' interest, as in No. 501. Dated at Edinburgh, 3 June 1713. Witnesses and signature as in No. 501.

506. FACTORY AND COMMISSION by Sir Thomas Dalyell of Binns, Bart., in favour of Alexander Guthrie, W.S., during his absence abroad. Dated at Edinburgh, 3 June 1713. Witnesses, Alexander Hamilton, servant of the factor, and John Manson, servant to the said Sir Thomas.

507. DISCHARGE by Jean Wishart, daughter of the late Captain Patrick Wishart, who was son of the late bishop of Edinburgh, and now wife of Thomas Dundas, surgeon in Linlithgow, in favour of Sir Thomas Dalyell of Binns, Bart., of the interest on a bond. Dated at Linlithgow, 27 June 1713. Witnesses, Archibald Lunn, apprentice to the said Thomas Dundas, and John Eiston, writer in Linlithgow.

508. BOND by James Monteith of Auldcathie to Alexander Guthrie, W.S., his brother-in-law. Dated at Edinburgh, 13 November 1713.

509. DISCHARGE by Mr. James Kirkwood, as in No. 501. Dated at Edinburgh, 12 January 1714. Witnesses, James Dalleny, servant to Mrs. Anderson, baxter, burgess of Edinburgh, and Alexander Kirkwood "my son," writer of the discharge. (Signed) "J. Kirkwood." [*Signature very feeble.*]

510. DISCHARGE by Mr James Kirkwood, as in No. 501. Dated at Edinburgh, 9 April 1715. Witnesses and signature [*very feeble*] as in No. 509.

511. DISCHARGE by Gelecine Van Beest, widow of Mr. James Kirkwood, as in No. 496, for the interest on the bond as in No. 501. Dated at Edinburgh, 10 August 1715. Witnesses as in No. 509. (Signed) "Gelecine Van Beest," and the witnesses.

512. TRANSLATION in favour of Alexander Guthrie, W.S., of a bond granted by James Monteith of Auldcathie to Mr. George Dallas of Parkly, who had granted an assignation thereof to Margaret Dallas, his daughter, and William Oliphant, collector of His Majesty's Excise, her husband. Translation dated at Linlithgow, 8 September 1715. Witnesses, Adam Buckney, one of the bailies of Linlithgow, John Buckney, his son, writer in Edinburgh, and George Dallas, writer of the deed, son of the said Mr George Dallas.

513. DISCHARGE as in No. 511. Dated at Edinburgh, 6 Nov. 1717. Written and signed by "Galecine van Beest." [No witnesses.]

514. "INVENTORY of my linen," by Ensign James Monteith, afterwards Sir James Dalyell, when in the army, 25 June 1718:—6 cambric ruffled shirts, 3 laced ruffled shirts, 14 plain day shirts, 4 night shirts, 4 handkerchiefs, 1 laced turnover, 7 striped at the end short turnovers, 5 flowered turnovers, 2 long cravats, 1 plain turnover, 5 old turnovers, 17 stocks, 1 table napkin, 6 pair ruffles, 2 pair sleeves.

515. INVENTORY of wearing clothes and other necessaries, 25 June 1718, by Ensign James Monteith, as in No. 514:—1 blue coat and breeches, 1 suit of Sagathie,[1] 1 suit of plain cloth, 1 big rug[2] coat, 1 blue drab rocolo,[3] 2 dimity waistcoats, 4 pair new silk stockings, 2 pr. old ditto, 1 pair scarlet worsted ditto, 1 pair new ditto, 1 pair old ditto, 3 pair thread ditto, 1 pair Kilmarnock, 5 pair shoes, 1 pair boots, 3 wigs, 1 laced hat, 1 silver-hilted sword and belt, and a stick for walking, 2 rings (one plain hair and the other a hoop), 1 blue cap, 1 little brush for a hat and a penknife and inkhorn, 3 pocket books, 2 pairs of buttons for shirt sleeves, 2 pairs buckles, 1 pair silk garters, 1 leather portmanteau, 5 prs. gloves.

516. ACCOMPT of wright work by Robert Levin to the deceased Sir Thomas Dalyell of Binns. [Died 4 May 1719.]

CHARGE.

From 3 Dec. 1716 to 15 Dec. 1718. Summa Scots £120 : 04 : 00.
He charged 16s. a day for himself and 12s. a day for his man.

DISCHARGE.

Partly in money and partly in oatmeal at £5 and £6 Scots per boll.

Note.—The "volrie" of the General's inventory was re-roofed, 1718.

517. ACCOMPT for work wrought to Sir Thomas Dalyell of Binns, Bart., by John Brown, elder, smith in Linlithgow.

		lb.	*s.*	*d.*
1719, Jan. 7.	Imprimis for seventeen foot of roads two jyne and the scrows for carriing up of the roads	06	00	00
	Item, for two scrous nine inches long for carieng up of the roof of the bed and fouer pins two with shoulders: for nailling and six heucks for the foot pands - -	01	18	00

[1] A fabric of silk and wool. [2] A coarse frieze.
[3] Rockelay, from roquelaure, a short cloak.

		lb.	s.	d.
1719, Feb. 4.	Item, for two pair of bands for the tent bead and eight screw naills - -	01	16	00
	Item, for two naills fouer inches longe and two nits - - - - -	00	08	00
	Item, for another pair of bands for the tent bead 2 verols and 4 picks - -	00	18	00
	Item, for meanding of the lock of the turn-pyke[1] foot and soding of the bitt of the keye - - - - -	00	06	00
	Item, for a dozen of leuars - - -	00	08	00
	Item, for casting of the table bell - -	01	00	00
	Item, for six prick batts - - -	00	12	00
	Item, for three dove-tailed batts for the ravill[2] of the stair - - - -	00	06	00
	Item, for a spring to the jack - -	00	10	00
	Item, for two pair of handls with cross heads for the chimnie pice, batts conform and bating them in - - -	01	16	00
	Item, for a pair of dove-tailed bands for the chamber-box - - - -	00	08	00
	Item, for nine slots at 4s. per pice - -	01	16	00
Mar. 19.	Item, for a key for the stables and two pin whiells for the locks and screwing the naills and nits for the locks - -	01	04	00
	Item, for a pin whiell for the lock of the loft and helping the lock - - -	00	06	00
	Item, for two pair of handles for the chimnie pices, batts conform - - -	01	16	00
	Item, for two cross shields for the doors and 2 scrous for the tent bed - -	00	12	00
	Item, for sodring of the shank of the cross pass key - - - - -	00	08	00
	Item, for a band for the door of the caige -	00	03	00
	Item, for a days worke my sone and myself	01	10	00
	Item, for 600 lairdge sclatt nalls att 14ss. -	04	04	00
	Item, for three hundred of smaller sortt at 12ss. per hundred - - -	01	16	00
	Summa (Scots)	30	01	00

518. ACCOMPT of funeralls fyrnished by the deceased George Sands, merchant in Linlithgow, at Sir Thomas Dalyells death.

		lb.	s.	d.
1719, May 5.	Imprimis, 4 lb. cutt tobacco att 16s. per lb. and 3 lb. ditto is - - - -	5	12	0
	Item, 10 dozen pypes is - - -	2	11	0
	Item, 6 lb. of big candle at 5s. per lb. and a box 12ss. is - - - -	2	2	0
	Summa (Scots)	10	5	0

Discharged by Margaret Gillies, widow of the said George Sands and then wife of James Clelland, writer in Linlithgow, on 8 Oct. 1722.

[1] Spiral stair. [2] Rail.

519 ACCOMPT by the heirs of the deceased Sir Thomas Dalyell of Binns to Robert Levin, wright in Linlithgow.

		lb.	s.	d.
1719, May 6	Impr. for making the said Sir Thomas his large wanescot coffine	63	00	00
	Item, for painting the Burial Place round with seal names, etc.	25	04	00
	(Scots)	88	04	00

Paid on 25 May 1720 by Alexander Guthrie, factor.

520 ACCOUNT of the funeral expenses of Sir Thomas Dalyell of Binns delivered by Alexander Guthrie, 4 May 1719.

	lb.	s.	d.
Imprimis: Payed to Robert Lyel servitor to Mr. Keir for his severall nights attending the defunct who had no man-servant	6	6	0
To Mr Dundasses two servants at putting him in the sheerecloath	6	0	0
To the wrights two men £3 and to the smith's lad £1 : 10s. for bringing the coffin	4	10	0
For Butcher meat, Fowls, etc., bought att Edinburgh to the entertainment	66	0	0
For printing Burrall letters a quair £3 : 12s. and for common and fine paper, ink and wax £4.			
To the severall expreses £3	10	12	0
To John Baillie, coachman, for the Hearse and 2 mourning Coaches	66	0	0
To the four Attenders and each of them for horsehire	18	0	0
To the Cook and Master of Household from Edinburgh for their pains and expenses	37	16	0
To Mrs. Johnstone for Plumb and Seed Cake and Biskett	44	17	0
Payed for the two Escutcheons	85	0	0
To the Hellard painters seills £1 : 14s. / To the wright for the dead chist £66 : 13 : 4	68	7	4
To John Brown for iron work thereto £20 / To Mr. Clapham for Glases ware £20 : 12s.	40	12	0
To Mrs. Chalmers for Sir Thomas his dead cloaths	81	0	0
To Mr. Glasfurd for 17 doz. Bottles wine at 16sh. Ster. the doz., being £13 : 12s. Ster.	163	4	0
To Baillie Dundas for Cloath and Glazied Calligoe to the Escutcheons	40	11	0
To Thomas Dundass, chyrurgeon, for the Shearecloath and others per accompt discharged	111	12	0
To David Ross, merchant, for brandie to Sir Thomas his funeralls	35	12	0
To George Bell for wine to the funeralls	13	0	0
Debursed by James Allan to Peter Keir for making the Grave	6	0	0
To James Grozart for carrieng ale	0	18	0
To Edmond Anderson for ale furnished by him to the funeralls	8	16	0
To George Sands his relict for Tobacco, pypes and Candle	10	5	0
Payd for seck to Bailyie Gregory and disch	20	8	0
Summa: Scots	945	6	4

521. ACCOMPT due by the deceased Sir Thomas Dalyell of Binns to George Bell, merchant in Linlithgow.

May 1719.	*lb.*	*s.*	*d.*
Imprimis: for 12 bottles wyne to the funeralls - -	12	00	00
Item, for the bottles which were not returned - -	01	00	00
(Scots)	13	00	00

Discharge as in No. 519. Dated 18 October 1721.

522. CLAIM by Magdalen Dalyell, wife of James Monteith of Auldcathie, for service as heir of tailyie to her brother, the late Sir Thomas Dalyell of Binns, who died on 4 May 1719, in the lands of Binns, etc., as in No. 94, 61½ acres of Abercorn Moor, as in No. 273, Blackness lands, as in No. 125, and Cauldcoats, as in No. 40; presented before the sheriff of Linlithgow.

An Advocation of the said service by the Lords of Council and Session from the said sheriff to their Lordships, dated 19 and signeted 20 June 1719, at the instance of Thomas Shairp of Blanse, was admitted by the sheriff substitute, 3 July 1719.

523. SCROLL PETITION by the Lady Auldcathie for a factor at Binns addressed to the Lords of Council and Session, wherein it is narrated that she, Magdalen Dalyell, wife of James Monteith of Auldcathie, is the heir of tailyie to the estate of Binns under her grandfather's bond of provision and tailyie in Nos. 385 and 386, since her brother Sir Thomas Dalyell had died, and her other brother William died some years before, both unmarried; that she had presented a claim as heir of tailyie before the sheriff of Linlithgow, but there was an advocation of her said service, presented at the instance of Thomas Shairp of Blanes, to the macers or other competent judges appointed by the said Lords, and admitted by the said sheriff. Therefore she petitioned the said Lords to appoint a factor. Dated 8 July 1719.

524. MEMORIAL for Magdalen Dalyell, granddaughter to General Thomas Dalyell of Binns, and James Monteith of Auldcathie, her husband, dated 18 July 1719.

It gives a narrative of the said General's two bonds of Provision and Tailyie, and states that on the death of the General in 1685 his grandson and heir of tailyie, Thomas Dalyell, was not above 11 years of age, and possessed the whole estate with a vast deal of plate, etc. He sold his right on the other estate (a bond on Kincarden) worth about £2000 sterling, and also part of Binns estates to the value of about £4000 sterling, and contracted debt to the amount of about £2000 sterling, leaving the estate worth about £7000 or £8000. In 1717 he revoked a new tailyie which he had made in favour of the son of his late uncle, Colonel Thomas Dalyell, and made another new one in favour of Thomas Shairp of Blanes, son of his youngest sister Janet. The Memorial claims that these new tailyies were illegal, and that he was *incapax* when he executed them.

525. NOMINATION by Alexander Guthrie, W.S., factor on the estate of Binns, acting under the terms of his appointment by the Lords of Council and Session, of Alexander Duncan, writer in Edinburgh, as baron bailie of the lands and estate of Binns, James Guthrie, writer in Edinburgh, as clerk of the barony, and James Glasfoord in Haddystoun as baron officer. Dated at Binns, 4 September 1719.

526. ACCOUNT due to John Bell for rouping a tack of Woodiston *alias* Merrielees, belonging to the estate of Binns, amounting to £14 : 5s. Scots. Discharged 2 November 1719.

527. ABBREVIATE OF RENTAL of the estate of Binns for crop 1719, viz.,
Money, £2635 : 19 : 6 Scots
Victual, 266 bushels 1 firlot, valued at £100 per chalder = £1664 : 1 : 3 Scots
Hens, 416 at 6s. 8d = £138 : 13 : 4 Scots.
Capons, 10 at 10s. = £8
Coal, carriages, 567 at 2 : 6 = £70 : 17 : 6 Scots.
Long carriages, 100 at 6 : 8 = £33 : 6 : 8 ,,
Total £4550 : 18 : 3 ,,

528. REGISTERED INVENTORY of the heritable estates which belonged to the late Sir Thomas Dalyell of Binns, given up by Magdalen Dalyell, his sister, heir of provision to the said late Sir Thomas, and James Monteith of Auldcathie, her husband. The inventory is dated at Auldcathie, 21 April 1720; registered in the Sheriff Court Books of Linlithgow, 22 April 1720; and in the Books of Council and Session, 2 May 1720.

529. ORDER of the Justices of the Peace to repair the House of Binns, after visitation thereof, acting under the terms of the appointment by the Lords of Council and Session of Alexander Guthrie, W.S., as factor of Binns; following on report by Thomas Struthers, slater. In the report he refers to the "peen-yeat which was formerly thatched with lead in the north-west newck of the closs of the manner place of Binns." Dated 24 and 25 May 1720.

530. ACCOUNT for ale supplied to harvesters at Binns from 24 August to 26 September 1720:—102½ gallons at 16s. = £82 Scots.
[No work was done on Sundays or on 5 week days of the duration of the harvest.]

531. REGISTERED BOND by Alexander Sword, tenant in Braehead [at Blackness], as principal, and John Sword, maltman in Grangepans, and Andrew Sword, farmer in Beircrofts, his brothers, as cautioners, to Alexander Guthrie, W.S., factor of Binns. Dated at Binns, 5 October 1720. Witnesses, Thomas Dalyell of Neuck, and Alexander Guthrie, son of the factor.

532. DISCHARGE by Gelecina van Beest, widow of Mr. James Kirkwood, feuar of Kelso, in favour of Alexander Guthrie, W.S., factor on the estate of Binns, of her annualrent. Dated at Dundee, 14 October 1720. Witnesses, William Smith and Alexander Kirkwood, her son. (Signed) "Gelesine van Beest," and the witnesses.

533. INDENTURE between Mr. David Muirhead, chirurgeon-apothecary, burgess of Edinburgh, on the one part, and John Monteith, fourth son of James Monteith of Auldcathie, with consent of his said father, on the other part; whereby the said John Monteith binds him "Prentice and servant in the arts and calling of Chirurgery and Pharmacy for the space of five years"; not to reveal his master's secrets in his arts nor the secret diseases of his patients to any person whatsoever; nor to have any patients of his own; nor to absent himself from his master's service without special licence; nor to commit the filthy crimes of fornication or adultery or play at any games whatsoever; nor be drunk nor night walker nor an haunter of debauched or idle company; nor to go to alehouses or taverns to tipple or drink: And the said James Monteith as cautioner shall pay a prentice fee of 800 merks. The said Mr. David for his part binds him to teach and instruct the said John in the arts of Chirurgery and Pharmacy, to entertain him sufficiently in bed and board, and to book him prentice in the books of the Dean of Guild of Edinburgh and in the books of the Incorporation of the Chirurgeons of the said Burgh, both which bookings are to

be at the said prentice's own charges. Both parties are liable to a penalty of £200 Scots in case of failure. Dated at Edinburgh, 22 and at Binns 23 March 1721. Witnesses at Edinburgh: James Monteith, younger of Auldcathie, Alexander Guthrie, W.S., William Lumsden, writer in Edinburgh, and John Simson, his servitor, writer of the deed; and at Binns: Francis Carlaw, tenant in Binns, and James Allan, son of James Allan, gardener, there. Signed by the parties and the witnesses.

534. INDENTURE between James Yorston, wright, burgess of Edinburgh, and Alexander Monteith, third son of James Monteith of Auldcathie, with consent of his said father, whereby the said Alexander binds him to serve as apprentice for six years; the said James Monteith binds him to pay a prentice fee of 500 merks; and the said James Yorston to instruct his apprentice in the "haill points, practicks, and engines in the said art and craft of wright," and to sustain him in "meet, drink, bedding, and washing," and to book him in the Guild Books of Edinburgh. Dated at Edinburgh, 24 March, and at Binns, 25 March 1721.

535. DISCHARGE by James Stephen, schoolmaster at Carriden, for a year's salary payable from the lands of Binns. Dated at Carriden, 12 April 1721.

536. COPY OF BOND OF PROVISION by James Monteith of Auldcathie in favour of his younger children.

The said James Monteith by his Bond of Provision, dated 11 April 1709, provided 20,000 merks Scots for his younger children, and now seeing that the number of his children has increased since the date thereof, and that by the succession of him and his wife, Magdalen Dalyell, to "the lands and estate of Binns (although with a great burden) their circumstances are augmented," he now increases the payments in his said Bond of Provision: To Thomas Monteith, his second son, in addition to what he has already received, 2,000 merks: to Alexander Monteith, his third son, in addition to his prentice fee, 3,000 merks; to John Monteith, his fourth son, in addition to his prentice fee, 3,000 merks; to Walter Monteith, his fifth son, 3,000 merks; to William Monteith, his sixth son, 3,000 merks; to Christian Monteith, his eldest daughter, 5,000 merks; to Janet Monteith, his second daughter, 3,000 merks; to Elizabeth Monteith, his third daughter, 3,000 merks; to Magdalen, Jean, and Catherine, his fourth, fifth and sixth daughters, each 3,000 merks. Dated at Binns, 8 May 1721. Witnesses, Alexander Dalmahoy younger of that Ilk, Robert Sempell, late ensign in Blackness Castle, Alexander Guthrie, W.S., and Alexander Guthrie, his servitor, writer of the deed.

On the back of the deed is a short account of Auldcathie's funds and debts. The price of Auldcathie, sold to the Earl of Hopeton, is £79,531 : 5s. The total funds are £84,331 : 5s., and the debts £77,129 : 6 : 8; leaving free gear of £7,201 : 15 : 4, all money Scots. The free rental at Binns estates in 1721 is £376 : 19 : 1 stg, excluding the mansion house, office houses, yards, two dovecots, and 100 long carriages to Edinburgh.

537. COPY OF RATIFICATION AND OBLIGATION by Thomas Dalyell, only son of the late Lieutenant-Colonel John Dalyell of Muiravonside, on his now attaining the age of 21 years, of a bond granted in his minority. Dated at Binns, 10 May 1721. Witnesses, Alexander Guthrie, W.S., William Arbuckell, servant to James Monteith of Auldcathie, and Alexander Guthrie, writer of the deed, servitor of the said Alexander Guthrie.

538. PURCHASED at a roup at Binns on 19 September 1720 by Captain Laurence Drummond in the Meadop, one old white speeved horse and one brown horse for £67 : 13 : 4 Scots and an old one for £20 Scots. Receipt for payment dated at Binns, 26 May 1721.

539. FACTORY by James Monteith of Auldcathie to Magdalen Dalyell, his wife, Mr. James Monteith of Milnhall, Mr. John Dundas of Philpstoun, Mr. John Carr of Todshaugh, Mr. John Kennedy of Kilkenzie (the last three being advocates), and Alexander Guthrie, W.S., to carry through the sale of Auldcathie. Dated at Binns, 15 July 1721. Witnesses, Robert Scrupell and Alexander Guthrie, as in No. 536. (Signed) "Ja. Monteith," and the witnesses.

540. THE ARTICLES OF ROUP of Auldcathie. Dated at Binns, 15 July 1721.

541. DISCHARGE by James Johnston, schoolmaster of Abercorn, in favour of Alexander Guthrie, W.S., factor of Binns, for two years' salary, payable from Binns, being £3 4s. Scots, and £12 Scots as the price of 2 bolls of meal. Dated at Binns, 30 September 1721.

542. DISCHARGE by Gelecina van Beest of an annualrent, as in No. 532. Dated at Dundee, 7 November 1721. Witnesses, William Smith, her servant, and Alexander Kirkwood, her son. Signed as in No. 532.

543. LETTER from John Brown[1] in Abercorn to Lady Auldcathie.

Madam,—I had yesternight a return from Mr. Mowat, he hath consented to come and serve your Ladyship an year for 5 pounds. And he desires to know by my next when you incline to send for him and how his books and other small things shall be transported.

I am, Madam, your Ladyship's servant and souls well-wisher.

(Signed) "Jo. Brown."

Abercorn, 22 Nov. 1721.

544. MEMORIAL to Counsel for the Lady Auldcathie anent the estate of Binns, following the Narrative of Memorial in No. 524. Counsel advises that she serve herself heir of tailyie to her late grandfather. Colonel Thomas Dalyell, the General's second son, is referred to as "Black Tom" and the "Black Colonel." Dated 25 and 29 November 1721.

545. INVENTORY of the Writs of Auldcathie with the patronage of the kirk thereof and teinds lying formerly in the parish of Auldcathie and now by annexation in the parish of Dalmenie, and of the Kirklands of the kirk of Auldcathie, extending to 2 acres, sold by James Monteith of Auldcathie with consent of Magdalen Dalyell, his wife, and James Monteith, his son, to Charles, Earl of Hopetoun, conform to disposition dated 13 December 1721.

1. Charter by Sir James Hamilton of Cadzow confirming a charter by Robert Lauder of Iddington[2] to Robert Lauder, his son, of the said lands and patronage: 7 Sept. 1439.
2. Precept of *Clare Constat* by James, Earl of Arran, to Robert Lauder as heir to Rober Lauder of Bass, his father: 16 Feb. 1518.
3. Instrument of Sasine following thereon: 24 March 1518. Notary, Robert Foulis.
4. Special Retour of Robert Lauder of Bass as heir to the said Robert Lauder of Bass, his father: 19 May 1545.
5. Precept of *Clare Constat* by James Hamilton, son and heir to the Earl of Arran, in favour of Robert Lauder, as heir to his said father: 24 June 1545.
6. Instrument of Sasine following thereon: 11 July 1545. Notary, Bartholomew Cullo [Kello].
7. Special Retour of Mr. George Lauder, eldest son and heir to the said Robert: 7 Nov. 1580.
8. Precept of Sasine following thereon by Dame Margaret Douglas, Countess of Arran: 9 Nov. 1580.

[1] Minister of Abercorn, 1700 to 1743. [2] Edrington in Berwickshire.

9. Instrument of Sasine following thereon: 10 Nov. 1580. Notary, Nicol Thownis.
10. Charter under the Great Seal confirming (1): 17 Jan. 1585.
11. Contract of Alienation by Mr. George Lauder of Bass to Sir Thomas Hamilton of Binning: 19 May 1608. Registered in the Books of Council and Session, 13 June 1608.
12. Charter by the said Mr. George Lauder to the said Sir Thomas Hamilton of the said 2 acres of the Kirklands of Auldcathie, to be holden of the disponer: 28 May 1608.
13. Instrument of Sasine following thereon: 28 May 1608. Notary, Mr. James Hamilton. Registered at Linlithgow, 29 May 1608.
14. Charter by Mr. George Lauder of Bass to the said Sir Thomas Hamilton of the lands and patronage: 19 May 1608.
15. Instrument of Sasine following thereon: 28 May 1608. Notary, Mr. James Hamilton. Registered at Linlithgow, 29 May 1608.
16. Confirmation of Charter (14) by James, Earl of Arran, with consent of James, Earl of Abercorn, his curator: 24 July and 2 Aug. 1608.
17. Instrument of Sasine following thereon: 19 Aug. 1608. Notary, Mr. James Hamilton. Registered at Linlithgow, 20 Aug. 1608.
18. Charter by James, Marquis of Hamilton, confirming charter (14): 3 May 1611.
19. Instrument of Sasine following thereon: 29 June 1611. Notary, James Hamilton.
20. Tack of the Teinds of the patronage kirk of Auldcathie by Mr. John Gibbison, minister of Dalmenie, with consent of Sir Thomas Hamilton of Byres as patron, to Thomas Hamilton, son of the said Sir Thomas, for his lifetime and two 19 years thereafter, dated and registered in the Books of Council and Session, 1 Aug. 1611.
21. Decree before the Commissioners for Plantation of Kirks at the instance of Sir William Oliphant of Newtown, King's Advocate, for uniting the parish of Auldcathie to the parish of Dalmenie: 21 Jan. 1618.
22. Disposition of Annuity of the Teinds of Auldcathie and others therein contained by the Lords of Treasury to Thomas, Earl of Haddington: 30 July 1635. Registered in Exchequer Books, 31 July 1635.
23. Precept of *Clare Constat* by James, Marquis of Hamilton, to Thomas, Earl of Haddington, as heir to the said Sir Thomas Hamilton, his father: 14 Dec. 1638.
24. Another Precept of *Clare Constat* by Dame Anna Cuninghame, Marchioness of Hamilton, as Commissioner for James, Marquis of Hamilton, her son, for infefting Thomas, Earl of Haddington, as heir to his father: 11 May 1642.
25. Instrument of Sasine following thereon: 28 May 1642. Notary, James Brown. Registered in the Particular Register of Sasines at Edinburgh, 8 June 1642.
26. Precept of *Clare Constat* by the said Dame Anna Cuningham as in (24) to John, Earl of Haddington, as heir to the said Thomas, Earl of Haddington, his brother: 27 April 1646.
27. Instrument of Sasine following thereon: 29 April 1646. Notary, James Brown. Registered in the Particular Register of Sasines at Edinburgh, 25 May 1646.
28. Precept of *Clare Constat* by James, Duke of Hamilton, to John, Earl of Haddington, as heir to Thomas, Earl of Haddington, his grandfather: 19 March 1647.
29. Instrument of Sasine following thereon: 22 March 1647. Notary, James Brown.
30. Contract of Alienation betwixt the said John, Earl of Haddington, with consent of his curators, and James Monteith of Karsiebank: 13 and 15 Oct. 1646.
31. Instrument of Sasine following on the precept of sasine contained in contract (30): 17 Oct. 1646. Notary, James Brown. Registered at Edinburgh, 21 Nov. 1646.

32. Disposition and Assignation by John, Earl of Haddington, with consent to the said James Monteith of the rights of teinds and annuity: 13 and 15 Oct. 1646.
33. Instrument of Resignation in the hands of James, Duke of Hamilton, following on contract (30): 12 Dec. 1646. Notary, John Moodie.
34. Charter following thereon: 12 Dec. 1646.
35. Instrument of Sasine following thereon: 22 March 1647. Notary, James Brown. Registered at Edinburgh, 3 April 1647.
36. Decree of Suspension before the Lords of Session at the instance of the said James Monteith against William, Duke of Hamilton: 24 Jan. 1666.
37. Charter of Alienation by John, Earl of Haddington, in favour of James Monteith of Karstebank of the said 2 acres of Kirklands: 22 May 1647.
38. Act of the Kirk Session of Dalmeme appropriating ane burial place to the said James Monteith: 9 April 1657.
39. Decree of Locality in favour of the minister of Dalmeme obtained at the instance of Mr. Alexander Hamilton, minister there: 18 Feb. 1658.
40. Charter of Alienation by the said James Monteith of Auldcathie to James Monteith, his eldest son, reserving liferent of the Westertown of Auldcathie: 13 March 1671.
41. Instrument of Sasine following thereon: 18 March 1671. Notary, Andrew Crawfurd. Registered at Edinburgh, 18 April 1671.
42. Contract of Marriage between the said James Monteith, younger, and Mistress Magdalen Dalyell, eldest daughter of Sir Thomas Dalyell of Binns: 9 June 1688.
43. Instrument of Sasine following on precept of sasine contained therein in favour of the said James Monteith, younger: 6 Aug. 1688. Notary, Andrew Crawfurd. Registered in the Particular Register of Sasines at Edinburgh, 1 Sept. 1688.
44. Precept of *Clare Constat* by the said Anna, Duchess of Hamilton (with consent), to the said James Monteith, as heir to his said father: 21 Jan. 1692.
45. Instrument of Sasine following thereon: 17 Sept. 1692. Notary, Alexander Glen.[1] Registered in the Particuler Register of Sasines at Edinburgh, 15 Nov. 1692.

The disponee grants a receipt for the writs. Dated at Hopetoun House, 16 January 1722. Witnesses, William Bradfutt and James Gray, servants of the said Earl; and James Monteith, eldest son of the disponer, signed at Edinburgh, 17 January 1722; witnesses, Alexander Guthrie, W.S., Thomas Pringle, writer in Edinburgh, and Robert Pringle, his son (writer of the deed). (Signed) "Hoptoun, Ja. Monteith," and the witnesses.

546. Extract Decree of Preference Act and Remit by the Lords of Council and Session anent two Advocations: (1) one at the instance of Thomas Shairp, eldest son of the late Lieutenant-Colonel Walter Shairp of Blanes and Janet Dalyell, his spouse, sister german to the late Sir Thomas Dalyell of Binns, against Magdalen Dalyell, wife of James Monteith of Auldcathie, and likewise sister of the said Sir Thomas, mentioning that the said Magdalen Dalyell had purchased brieves of chancery to be served heir to her late brother before the sheriff of Linlithgow, under the disposition and tailyie of the late General Thomas Dalyell, as in Nos. 385 and 386, but that the said Thomas Shairp claimed service as heir under a disposition granted to him by the said late Sir Thomas Dalyell of date 11 July 1717; (2) at the instance of the said Magdalen Dalyell and her husband for themselves and on behalf of their 12 children against the said Thomas Shairp, mentioning that the said Thomas Shairp had purchased brieves of chancery to be served heir to the said late Sir Thomas Dalyell before the bailies of Edinburgh under the said disposition and tailyie by the said late Sir Thomas

[1] Alexander Glen of Longcroft.

Dalyell, disponing the estates of Binns to the said Thomas Shairp and his heirs, whom failing to Thomas Dalyell, eldest son of the late Lieutenant-Colonel John Dalyell of Neuk, whom failing to James Monteith, eldest son of the said Magdalen. The Lords decern in favour of the said Magdalen, preferring her claim, and remitting to the sheriff of Linlithgow to retour her heir of tailyie to her late brother. Dated at Edinburgh, 28 December 1721.

547. RENTAL of the lands of Auldcathie for crop 1721 amounting to £971 : 3 : 8 Scots money, 164 bolls 3 firlots of oatmeal, 156 bolls 2 firlots of barley, 22 bolls of wheat, 1 boll 2 firlots of oats, 218 hens and 24 carriages. The tenants may on the master's option pay 6s. 8d. Scots for each hen and 3s. 4d. Scots for each carriage. All the lands are held in steelbow. The lands are held blench of the Duke of Hamilton. "There is on the lands a convenient lodgable house of two story high with garrets, each story having five large firerooms besides closets to most of the rooms, with two stables and lofts above them, with barn and loft in it, a girnell-house and other office houses with oven, drawwell and other conveniences not rentalled, as also there is in the ground both coal and freestone quarry." The tenants are in use to grind their victual at Binns Mill.

"It is proposed that they be thirled thereto only for their farm meal, and what they require for the use of their families."

548. CONTRACT by Alexander Guthrie, W.S., on behalf of Magdalen Dalyell and her husband to supply 100 bolls of bere from the lands of Binns to Robert Cleuch, brewer, at his dwelling-house or lofts at Croftangry *alias* Gravesend, on the north side near the Abbey of Holyroodhouse. Dated at Edinburgh, 5 January 1722.

549. REPLIES of the Lady Auldcathie to young Keith in an arbitration anent his claim on the estate of the late Sir Thomas Dalyell of Binns, dated 6 February 1722, in which it is narrated that "General Dalyell drank water some years before his death."

550. PROOF in the service before the sheriff of Linlithgow of Magdalen Dalyell as heir to her late brother, Sir Thomas Dalyell of Binns. The witnesses were James Allan, gardener at Binns, and James Johnston, there, who deponed that the said Sir Thomas died on 4 May 1719, predeceased by his brother William, both without issue. Dated 12 March 1722.

12 March 1722. At Linlithgow Sheriff Court.

Service of Magdalen Dalyell, eldest daughter of the late Sir Thomas Dalyell of Binns, Bart., and spouse to James Dalyell *alias* Monteith of Auldcathie, as heir to her brother, the late Sir Thomas Dalyell, Bart., in the 16 oxgangs, roods, etc., of Blackness lands, as described in No. 125 (the two sea corn mills are now decayed); in the lands of Mannerstoun whereof the room now called Haddistoun is a pendicle, with tower, fortalice, etc.; in the lands of Binns and Carflatts with manor place, etc.; in the lands of Scotstounhill *alias* Easter Scotstoun with Fludders, Merrylees and proper muir of the same, etc.; in 61½ acres of the muir of Abercorn; in the lands of Cauldcoats, lying in the lordship and regality of Hamilton; in the lands of Stacks, lying in the parish of Carriden and in the same lordship and regality; and in Philpstoun Mill, now Binns Mill, with mill-lands, etc. Her said brother, Sir Thomas Dalyell, who died 4 May 1719, and her brother, William Dalyell, died without lawful issue. She claims service under disposition and tailyie of date 3 August 1682, registered in the Books of Session 4 March 1701 by the late General Thomas Dalyell of Binns, her grandfather, to his grandson, the late Sir Thomas Dalyell, whom failing to the said William Dalyell, whom failing to any other person named by

the said General, whom failing to the said Magdalen Dalyell. The members of Assize were—George Dundas of that Ilk, chancellor, George Dundas, younger, of Duddingstoun, James Auchenleck of Woodcockdale, George Dallas of Parkley, James Monteath of Milnhall, Master John Stewart of East Binning, Walter Cornwall of Bonhard, John Hamilton of Pumpherston, Robert Ramsay of Blackcraig, Thomas Cornwall of Bonhard, David Bruce of Kinnaird, Master Alexander Dalmahoy, younger, of that Ilk, Thomas Dundas of Drumcross, William Reid of Avontoun, Thomas Maine, bailie of Linlithgow. The sheriff depute was Captain Walter Hamilton of West Port. Witnesses, James Allan, gardener in Binns, age 63, and James Johnston, there, age 60.

551. (*In Latin*.) INSTRUMENT OF SASINE in favour of Magdalen Dalyell, now Lady of Binns, retoured heir to her brother, the late Sir Thomas Dalyell of Binns, in the lands of Blackness, as in No. 125 (following on brieve of chancery directed to Walter Hamilton of West Port, and dated 9 April 1722. Sasine given on the ground to Alexander Dalmahoy of that Ilk, attorney for the said Magdalen, 14 April 1722. Witnesses, James Dundas of Briestmiln, John Hay of Candie, Robert Semple in Blackness, James Heart, tenant in Caldcoats, and John Bell, writer in Linlithgow. Notary, Alexander Bell.

552. DISCHARGE by Gelecina van Beest, widow of Mr. James Kirkwood, feuar of Kelso, in favour of Alexander Guthrie, W.S., factor on the estate of Binns, of an annualrent of £10 sterling, 14 May 1722. Witnesses, Mr. John Alexander, student in Edinburgh, and Mr. Thomas Kirkwood, her eldest son (writer of the discharge). (Signed) "Gelesine van Beest," and the witnesses.

553. DISCHARGE by Mr. John Carre of Todshaugh, advocate, in favour of James Dalyell *alias* Monteith of the bond in No. 497. Dated at Edinburgh, 15 May 1722. Witnesses, David Nisbet, servitor to Mr. James Thom, surgeon in Edinburgh, and John Rymer, writer in Edinburgh.

554. DISPOSITION AND ASSIGNATION by Gelecine van Beest, as in No. 532, with consent of Thomas and Alexander Kirkwood, her sons, in favour of Alexander Guthrie of her bond on Binns. Dated at Dundee, 14 May 1722. Witnesses, Alexander Goldman, merchant in Dundee, and Alexander Stewart of the "Glossester" of Dundee; and at Leith, 22 May 1722. Witnesses, Captain William Fraser, glover in Leith, and Patrick M'Dowall, merchant in Edinburgh.

555. ACCOMPT OF REPARATIONS att Binns whilest Alexander Guthrie was factor thereon.

	£	s.	d.
For drawing the Sederunt of the two Justices of Peace after they had visited the Manor-place of Binns and the report of tradesmen, with horse-hire and incidents twice from Edinburgh - - - - - -	15	0	0
To the lad that wrote the haill accompts, reports and others thereanent - - - - - -	4	0	0
Debursed for timber, nails, lime, slates, tile, and other materials approved by the Justices, 5 May 1722 -	1067	12	0
Payed the custome of the tyle bought frae Jas. Mitchell -	0	18	0
Allowed to James Allan which he payed to the Glazier -	6	11	6
Incidents and portage on accompt of the premises - -	4	0	0
	£1098	1	6

556. TRANSLATION by Isabell Hodge, daughter of Edward Hodge, skipper in Grangepans, and his wife, Grizell Seton, daughter of the late Sir Walter Seton of Abercorn, with consent of her husband, Alexander Dinmuir, skipper in Borrowstouness, in favour of Alexander Guthrie, W.S., of part of the bond in No. 493. Dated at Grangepans, 21 June 1722. Witnesses, John Hamilton, wright, Thomas Thomson, wright, William Sheils, cooper, and John Smeton, sailor.

557. CHARTER OF CONFIRMATION AND PRECEPT OF *Clare Constat* by Charles, Earl of Hopetoun, in favour of Magdalen Dalyell, as in No. 528, in her lands lying in the barony of Abercorn, of which the said Earl is superior. Dated at Hopeton House, 1 November 1722. Witnesses, Thomas Pringle, W.S., and William Roy, his servant. (Signed) "Hoptoun," and the witnesses. Seal wanting.

558 LETTER from Sir James Dalyell to his mother.

Edinburgh, Jan. 26th, 1723.

Madam, I write to you yesterday by Peter Kerr from whom I receive the things you Sente me. I think it my duty to acquaint you that I Design with my fathers leave and yours to propose marrying one Mrs. Helen Campbell; her father was a Chirurgeon In this town. She has I am informed about 25,000 merks. I have been acquainted with her these several years, and know nothing to the prejudice of her Character and if you give your consent I beleive it will be ane acceptable proposal to both the Lady and her friends. In case you approve send in my Cloaths and Linnen per the bearer. My duty to my father and the family and I am

Madam, Your most obedient son and servant,

(Signed) Ja. Dalyell.

Addressed: The Lady Binns.

559. (*Vernacular.*) PRECEPT OF *Clare Constat* by James, Duke of Hamilton, Chesteraherault and Brandon, Marquess of Clidsdale, Earl of Arran, Lanark and Cambridge, Lord Aven, Polmont, Machanshire and Innerdale, and Barron Dutten, superior of the lands underwritten, in favour of Magdalen Dalyell, wife of James Dalyell, now of Binns, formerly designed James Monteith of Auldcathie, as heir of provision and of tailyie to her late brother, Sir Thomas Dalyell of Binns, retoured before the sheriff of Linlithgow, 12 March 1722; in the lands of Cauldcoatts and Stacks, as in No. 476. Dated at Hamilton, 21 May 1723. Witnesses, Mr. David Kennedy, advocate, James Naismith of Rivenscraig, John Hamilton, W.S., and William Lawrie, his servitor. (Written by Alexander Purdie, also his servitor.) (Signed) "Hamilton and Brandon," and the witnesses. Seal wanting.

560. TRANSLATION by Thomas and Agnes Dalyell, children of the late Lieutenant-Colonel John Dalyell of Newk, and by Alexander Craufurd, younger, of Manuel Mill, husband of the said Agnes, in favour of Magdalen Dalyell, Lady Binns, of a bond. Dated at Manuel Mill and at Edinburgh, 29 May 1723. Witnesses, at Manuel Mill, Thomas Craufurd, elder, of Manuel Mill, and John Young, servitor of the said Alexander; and at Edinburgh, Alexander Masterton, writer in Edinburgh, and John Gillon, servitor to Alexander Guthrie, W.S.

561. MARRIAGE CONTRACT between Sir James Dalziel, younger of Binns, with consent of James Dalziel, elder, his father, Magdalen Dalziel, his mother, wife of the said James, and Alexander Guthrie, W.S., adjudger of the lands underwritten, on the one part, and Mistress Helen Campbell, only daughter and child on life of the late Robert Campbell, surgeon-apothecary, burgess of Edinburgh, son of the late John Campbell of Netherplace, and of Katherine Brown, his wife; whereby the said Sir

James binds him to infeft the said Helen in liferent in Blackness and Haddiston, the latter being a pendicle of Mauerstoun, making a locality of 1500 merks Scots a year. The said Helen and her mother bind them to pay to the said Sir James 22,500 merks Scots as tocher. Dated at Binns and at Edinburgh, 7 and 19 August 1723. Witnesses, at Binns, Mr. John Douglas of Philpstoun, advocate, Mr. John Brown, minister of Abercorn, Mr. Alexander Dalmahoy of that Ilk, Mr. Hew Mouat, chaplain, to the said James Dalyell, elder, and Archibald Munro, servant to the said Sir James; and at Edinburgh, Mr. John Flemyng, advocate, Mr. John Kennedy of Kelchenzie, advocate, James Brown, son of Hugh Brown, surgeon-apothecary in Edinburgh, Mr. William Weir, advocate, and Hugh Flemyng, writer of the deed, servant to Mr. Robert Hepburne, W.S. (Signed) "Jas. Dalyell, Helen Campbell, Ma. Dalyell, Ka. Brown, James Dalyell, elder (unable to write by reason of sickness)," and the witnesses.

562 INSTRUMENT OF SASINE following on No. 557. Sasine given on the ground of the subjects *respective* by Francis Carlaw, eldest son of George Carlaw, farmer in Binns, bailiff for the superior, to John Miller in Binns, attorney for the vassal, 20 August 1723. Witnesses, James Heart, farmer in Caldcoats, Thomas Heart, his son, James Allan, elder, gardener at Binns, and James Allan, younger, his son. Signed by the witnesses. Notary, Thomas Smith.

563 INSTRUMENT OF SASINE following on No. 559. Sasine given on the ground of the subjects *successive* by Francis Carlaw, youngest son of James Carlaw in Mains of Binns, bailiff for the superior, to John Miller in Binns, attorney for Magdalen Dalyell, as in No. 559, 20 August 1723. Witnesses and notary as in No. 562.

564 DECLARATION by Helen Campbell to James Dalyell and Sir James Dalyell, elder and younger of Binns.

Helen Campbell, only child of the late Robert Campbell, chirurgeon-apothecary, burgess of Edinburgh, and Katherine Brown, his wife, declared that no execution should pass, except under the advice of a lawyer mutually chosen, if found necessary, for her security against James Dalyell and Sir James Dalyell, elder and younger of Binns, on their obligation under her marriage contract in No. 561 to procure themselves infeft in the room and steading of Haddiestoun, held of the Earl of Hopeton. Declaration dated at Edinburgh, 21 August 1723. Witnesses, John Monteith, son of James Dalyell of Binns, Hew Flemyng, writer of the deed, servitor of Mr. Robert Hepburne, writer in Edinburgh, and James Brown, one of her trustees, son of Hugh Brown, chirurgeon-apothecary in Edinburgh. (Signed) "Helen Campbell, Ka. Brown consents," and the witnesses.

565 SCROLL confirmed TESTAMENT of the Lady Binns as Executrix to General Dalyell her grandfather in the bygane annualients dew to him by the Earls of Kincarden, 1724.

"The Testament Dative and Inventar of the debts and soumes of money quhilk pertained to the deceased General Thomas Dalyell of Binnes in the parochine of Abercorne and Commissariot of Dunkeld, who dyed on the $\frac{21}{\text{month}}$ of August one thousand six hundred and eightie eight years[1] (*sic*) faithfullie made and given up be Magdalen Dalyell, Ladie Binnes, grandchild to the defunct, and James Dalyell, now of Binnes, her husband, for his interest": under the late General's disposition of date 3 August 1681 in favour of the late Sir Thomas Dalyell, his grandson, and his heirs, to whom and to her other brother,

[1] Error for 1685.

the late William Dalyell, the said Magdalen was served and retoured heir before the sheriff of Linlithgow. Due to the said General at the time of his death by Alexander, Earl of Kincardin, Lord Bruce and Torie, the annualrent of £10,500 Scots, with cautioners Sir George Preston of Valliefeild, Sir James Lumsdein, younger, of Innergelly, Mr. Robert Prestoun of that Ilk, and Alexander, thereafter Sir Alexander Bruce of Broomhall, under bond of date the 18, 23, 24 and 25 of August, October and February 1666 and 1667. Confirmed by Mr. George Pitcardine of Balbougie, commissar of Dunkeld, the —— of —— 1724. Sir Thomas dyed 9 May 1699 and his sone 4 May 1719.

566. LETTER from Hugh Mouat[1] to Lady Auldcathie, dated at Kirkwall, 22 May 1725, informing her that he was awaiting settlement as minister in a parish in Orkney.

567. SUBMISSION AND DECREE ARBITRAL between Sir James Dalyell of Binns and Jean Monteith, widow of Alexander Guthrie, W.S. The submission is dated 25 November 1725. The arbiters by their decree of date 8 Dec. 1725 ordain the said Sir James to pay to the said Jean 1550 merks Scots in satisfaction of services rendered to him or to his father and mother by her late husband.

568. REGISTERED OBLIGATION by Sir Alexander Dalmahoy of that Ilk as tenant of Manerstoun to pay annually to Sir James Dalyell of Binns during the currency of his tack five per cent. interest on £1515 Scots expended by the said Sir James in building the house of Manerstoun. Dated at Blackness, 30 November 1725. Witnesses, George Davidson, sergeant in Blackness, and Robert Davidson, indweller there. Registered in the Sheriff Court Books of Linlithgow, 19 March 1728.

569. DISCHARGE by Jean Monteith in favour of Sir James Dalyell of payment under Decree Arbitral in No. 567. Dated at Edinburgh, 25 Feb. 1726.

570. LETTER from Charles Dalyell in Dublin to Sir James Dalyell.

Dublin, 9ber the 10, 1726.

Dear Couzen,—I received yours and am very glad to hear that you are all well. On the 14th of last October my brother James Dalyell dy'd whose death will occasion a dispute between his pretended son and me for asmuchas he cannot prove his mother's marriage Legall. I am in hopes I shall cast him very soon which if I doe I shall see you next summer, if not, I will purchase a Commission immediately. I waited sixteen days at Irwin for wind and was nine days on sea which fatigu'd me very much. Pray give my humble service to the Lady your mother and all the family. My Brother-in-law and Sister give their humble service to you and your spouse. I am, Dear Couzen, your affectionate Couzen till Death.

(Signed) "Cha. Dalyell."

I have perus'd my fathers will and find that in case Sir Thomas Dy's without Issue male the estate is to fall to my second sister Christian and her children. Excuse haste.

Addressed ; To Sir James Dalyell of Binns near Linlithgow.

571. REGISTERED FACTORY by Sir James Dalyell of Binns in favour of Hugh Fleming, W.S., to ingather and collect the rents, maills and duties of the mills and mill-lands of Polmont, lying in the parish of Falkirk and sheriffdom of Stirling, and of the lands and estate of Kipps, lying in the sheriffdom of Linlithgow. Dated at Edinburgh, 11 December 1729. Witnesses, William Malcom, John Murray and William Lyndsay, writers

[1] Minister of Evie and Rendall in Orkney, 1725 to 1781. (*Fasti. Scot. Ecc.* VII, 216.)

in Edinburgh, and Patrick Blair, wigmaker, burgess of Edinburgh. Registered in the Books of Council and Session, 21 March 1730.

572. OBLIGATION by Hugh Fleming, writer in Edinburgh, to denude himself in favour of Sir James Dalyell of Binns of a bond granted by James Monteith of Milnhall, and of another granted to James Smith, writer in Edinburgh, of date 13 July 1727, assigned by him to Margaret Smith, wife of William Galloway, maltman in Linlithgow, 20 June 1729, and translated by them to the said Hugh Fleming, 28 August 1730. Obligation dated at Edinburgh, 31 December 1730.

573. ASSIGNATION by Isabel White, daughter and executrix dative of the late Andrew White, tenant in Hill, in the parish of Falkirk, with consent of her husband, James Marshall, tenant in Whiteside, in favour of Hugh Fleming, W.S., of a bond granted to her late father by the late James Monteith of Milnhall, of date 15 November 1705, to which bond she has right as executrix conform to confirmed testament dative, dated at Stirling, 4 April 1720. Assignation dated at Linlithgow, 16 April 1731. Witnesses, Walter Nimmo, portioner of Torphichen, John Nimmo, younger, of Wardlaw, James Learmont, tenant in Brightoun Craigs, and Gilbert Lawrie, barber and wigmaker in Linlithgow. Thomas Smith, notary in Linlithgow, signs by mandate of the said Isabel and her husband, who cannot write.

574. TRANSLATION of two bonds granted by the late James Monteith of Milnhall (1) to John Birnie of Broomhill, and (2) to the late Mr William Law of Elvingstone, to which second bond William Law, now of Elvingstone, was retoured heir to his father as his eldest son by Anna Hamilton, who is now curatrix for the said William Law. Translation dated at Edinburgh, 7 August 1731.

575. NOTARIAL PROTEST by James Guthrie, W.S., procurator for Sir James Dalyell and his creditors, against the action of Thomas Dundas, surgeon in Linlithgow, in poinding the crop and cattle of the said Sir James, contrary to an agreement between the said Sir James and his creditors, in which the said Thomas acquiesced, made in the Laigh Coffee-house, 23 December 1731. Protest dated at Linlithgow in the house of the said Thomas Dundas, 29 December 1731. Witnesses, Alexander Main, writer in Linlithgow, and Alexander Henderson, tailor there. Notary, Thomas Smith.

576. ACCOMPT OF CHARGE AND DISCHARGE betwixt Sir James Dalyell of Binns and the creditors of the late James Monteith of Milnhall, to whom Sir James was entered heir *cum beneficio*.

	Scots.		
Charge upon Sir James Dalyell - -	£55,844	15	11
Discharge - - - - -	59,710	2	6
	£3,865	6	7

By which Sir James is superexpended besides his own extraordinary charges in the affairs of Milnhall.

577. MARRIAGE CONTRACT between Robert Graham, brother of John Graham of Blaircesnock, and Mistress Christian Monteith, eldest daughter of the late James Monteith of Auldcathie *alias* Dalyell of Binns, and of the late Dame Magdalen Dalyell, his wife, whereby the said Robert Graham binds him to provide 6000 merks Scots, and the said Mistress Christian contracts to assign to her promised husband the sum of 9000 merks in name of tocher; which total sum of 15,000 merks is to be invested in an annualrent. In security of her tocher the said Mistress

Christian binds her to assign certain bonds including the sum of 1750 merks, being her fourth share of the shares of her deceased sisters, Elizabeth and Magdalen Monteith, under her father's bonds of provision of dates 8 May 1721 and 13 July 1724. Execution hereupon against the said Robert shall pass to Sir James Dalyell of Binns, Alexander and William Monteith, all three brothers of the said Mistress Christian, and to Mr. Robert Ramsay of Blackcraig. Dated at Edinburgh, 6 November 1733, and written by William Scott, servant of James Guthrie, W.S. Witnesses, Sir James Dalyell of Binns, the said Alexander Monteith, the said John Graham, Robert Graham, his eldest son, the said Mr. Robert Ramsay, Robert Campbell, younger, of Gory, and the said James Guthrie and William Scott. (Signed) "Ro. Graham, Chr. Monteith," and the witnesses.

578. LETTER from Thomas Monteith to his brother Sir James Dalyell, dated at Rapahannock, Virginia, 17 November 1734. It is therein narrated that their mother, Magdalen Dalyell, died in December 1732, and that their brother John and their sisters Betty and Magdalen were dead; and that the writer of the letter married in June 1734.

579. LETTER from John Lindsay in Dublin to Mrs. Magdalen Dalyell.

Dublin, the 6th Septr. 1743.

Madam,—The present situation of Affairs with respect to the family of Collonel Thomas Dalyell, a near relation of yours, late of the County of Kildare in this kingdom, forces me to acquaint you that pursuant to an Agreement made between the Coll. in his life time and Sir Thomas Dalyell. your good Brother (*sic*). Your Brother, Sir Thomas Dalyell, did by Deed by him duly executed under his Hand and Seal settle his estate in Scotland in manner following. That is to say, in case in failure of Issue Male in himself, To the Issue Male of the said Coll. Thomas Dalyell, And in default of such Issue Male To the Right Heirs of the said Coll. Thomas Dalyell. In consideration whereof and pursuant to the said Agreement the said Coll. Thomas Dalyell made and published his last Will and Testament in Writing under his Hand and Seal, whereby he Devised his said Estate of Inheritance in the said County of Kildare as follows.

First he devised his said estate to his eldest son Thomas then living, and since dead without Issue, And for want of Issue Male in him to his second son John and his Issue Male, and for want of Issue Male in him to his third son James and his Issue Male, and for want of such Issue, to his fourth son Charles and his Issue Male according to Seniority of age and Priority of birth, and in default of such Issue, he devised his said Estate in the County of Kildare To the Use of the said Sir Thomas Dalyell and his heirs male, and for want of Issue Male in him, To Christian Dalyell his daughter (who is my wife) and to the heirs male of her body.

Sometime after the death of the said Coll. Dalyell I intermarried with the said Christian by whom I have had several children and particularly one son called Charles now about Eighteen years old, and after our Intermarriage, John the second son upon the death of his brother Thomas who died without Issue, being Intitled to the said Estate and being then a Minor I was obliged to become his Guardian and he having died without issue, the Estate came to James, the third son, to whom one William Watt was appointed Guardian by the Lord Chancellor. This James during his Life was a very easy, supine, Indolent Man, subject to many Extravagancies, and led a Course of Life much beneath the Dignity of the Worthy Family he descended from, And particularly for some time kept company with one Jane Doyle a woman of a very Infamous Character and Daughter to one Henry Doyle who was a tenant on the Estate and a man of a very base Character.

I must further beg leave to acquaint you that for many years from the time I intermarried with Christian the Collonells Daughter I was necessitated to be at very great Expenses and paid very large Sums of Money in order to preserve the Estate in the family which would otherwise have been sold, which was occasioned by the Mismanagement of John and James Dalyell particularly, and on that account I have paid some thousands of pounds, and though I paid 300lb. and Interest which was the portion of the Collonels younger Daughter Ann who was Married to one Mr. Hoyle an Attorney besides a large sum for the costs of a Suit and Decree in Chancery which she obtained, and besides my own fortune of 400lb. and interest which was left to my wife, and besides several other large sums which I laid out and Expended to support James and to pay the several large Debts which he contracted Yet I am not paid, But I am above four thousand pounds out of pockett in maintaining and supporting the said James and Charles and money expended in many Law Suits.

But Madam to come to the point, James the third son of the Collonel died in 1726, and after his Death Henry Doyle, father of the said Jane Doyle who lived in a criminal manner for some time with the said James, trumps up a boy who goes by the name of Thomas Dalyell, and pretended to be the son of the said James by the said Jane Doyle, and alleadging that James was married to her, stiles him Son and Heir to the said James, and files a Bill in the High Court of Chancery here as his Guardian against the said Charles who as the next heir was Intitled to the Estate after the death of the said James, and tho' at the beginning he the said Charles insisted on his right to the same and by his Answer sworn to several Bills Insisted that the Estate of Right descended to him, and that his brother James was never married to the said Jane Doyle. Yet sometime after about three or four years ago the said Charles unknown to me, who all along supported him and laid out several large Sums to support his Title and Maintain him for many years, all which is still due to me, very imprudently and in a private manner Entered into a secret Agreement with the said Thomas the pretended heir of James and for some small trifle gave up his Right and Title to the Irish Estate and by force and violence gave possession thereof to this person, and by their private management intended to sell the same with intent to deprive my Wife and Son thereof who are now the next heirs.

In regard Charles has sold and basely forfeited his Right and now finding that my Son intends to fyle his Bill to be relieved against such clandestine and fraudulent dealings and that I have on his behalf employed one Mr. Bayly an advocate lately come from Scotland to this city, with whom I lodged the copy of the Deed made by Sir Thomas to the said Coll. Dalyell whereby he conveyed the Estate in Scotland to the Issue of the said Collonel as aforesaid, the said Thomas has by some sinister management got a copy of the said Deed from the said Mr. Bayly and is now as I am informed gone to Scotland and under the specious pretence of being Son and Heir of the said James Expects to get the Estate in Scotland by virtue of Sir Thomas's said Deed.

These are facts Madam which I thought necessary to communicate to you and apprise you of, and hope therefore this person will not receive the countenance or favour he hopes for, who by such close and Indirect methods would deprive the Right Heir Charles Dalyell of his Right and Title to the Estate both in this Kingdom and in Scotland and particularly that in Scotland he now sets up and pretends a Right to and intends to sue for.

You have seen Mr. Charles Dalyell already at the Binns, he did not know his Title nor did I inform him till he discovered my letter to Thomas, who went off unknown to him or me.

I must inform you further that when a suit was commenced and for some considerable time prosecuted by the said Charles and to prove this

gentleman a spurious person who had no just title they met together and clandestinely came to an Agreement whereby the said Thomas in consideration that said Charles should surcease all further proceedings, agreed to settle upon said Charles Three town-lands of the Irish Estate to the value of 300lb. per annum.

As the marriage between James Dalyell and Jane Doyle the mother of Thomas has not hitherto been nor can be legally proved your Business is when the writ is taken out of the High Court of Chancery directed to the Sheriff where the lands lie, to Employ a proper person to appear according to the Custom of your country, for the said Charles Dalyell and to acquaint the jury that the said Charles Dalyell is next in Blood and Heir to Sir Thomas Dalyell. That this Thomas has never yet proved his mother's marriage, and this will put a stop to all proceedings against you or your son. I will send over Mr. Charles Dalyell to you and heartily wish and advise you would get him married into your family, as you are to account with him for the rents and profits of the Estate it is but reasonable he should have some fortune and give him possession of the Estate as he is the next true and only right Blood to Sir Thos. for that if James Dalyell was the father of Thomas, James was never married to his mother.

All the persons in Remainder ought to join with you. He has by management of a Party been made Sheriff of the County of Kildare and has brought over his sub-sheriff with him to serve his turn and turn you out, and if not yet arrived is upon the Road to the Binns.

I think you ought to acquaint Lieut. Coll. John Dalyell, Thomas Sharp and the Earl of Alisbury, John Dalyell brother to Robert, Earl of Carnworth, or such of them as are living who will assist you in your defence. But if you let Thomas in the true Heir is shutt out and after the death of Chas. Dalyell and the others in Remainder without Issue you come in.

I beg pardon for this long but necessary epistle and am

Madam, your most Humble Servant.

(Signed) "John Lindsay."

Direct for me to the Hen and Chickens in Castle Street, Dublin.

Addressed :—To Mrs. Magdalen Monteith, widow at her House at the Binns, or at her son's the Bart. Monteith at the Binns near Edinburgh.

580. NOTARIAL PROTEST on behalf of Sir James Dalyell of Binns served on James Dundas of Philpstoun, advocate, narrating that the said James Dundas on Saturday the 3 of December 1743 carried off the sluice of the mill-dam at Philpstoun belonging to the said Sir James and drained the loch of water, and requiring him to replace the same. The said mill and loch had been sold on 20 May 1687 to Sir Thomas Dalyell of Binns by the late James Dundas, younger, of Philpstoun, eldest son of the late James Dundas of Philpstoun, with consent of Elizabeth Hamilton, his mother. Procurator for Sir James Dalyell, William Campbell, his servant. Done at Philpstoun in presence of Mistress Euphemia Dundas, sister of the said James Dundas, 7 December 1743. Witnesses, John Ewing in Wester Scotstoun and James Paul, servant of John Johnston, tacksman of the mill. Notary, James Cleland.

581. MEMORIAL to Counsel by Sir James Dalyell of Binns asking advice as to action to be taken against James Dundas of Philpstoun in respect of the removal of the sluice at the mill-dam of Philpstoun. Dated 9 December 1743.

582. CONTRACT between Sir James Dalyell of Binns and Robert Ewing of Craigtoun, whereby the said Robert binds him to dig a lade to convey the surface water from his meadow at Cockmuir westwards to

the lech or dam of Philpatoun mill belonging to the said Sir James, and thereby constituting the said lade as servitude. Dated at Craigtoun, 21 June 1745. Witnesses, Bernard Haldan,[1] student of Divinity, writer of the contract, and Alexander Brown, tenant in Blackness. (Signed) "Ja. Dalyell, Robert Ewing," and the witnesses.

583. "CATALOGUE of my Books." 7 September 1745. (By Ensign, afterwards Sir Robert, Dalyell.) Bland's Military Discipline. Spectator, 8 vols. Lettres de Voiture. Le Roman Comique de M. Scarron. Florus cum Notis Manelii. Histoire de Comtes de Flandres. A Bible.

584. INVENTORY OF CLOTHES of Ensign Dalyell, as in No. 583. Bosch, 7 September 1745. 10 ruffled shirts, 4 plain do., 5 pair worsted stockings, 4 pair white do., 9 pair shoes, 1 suit of regimentals, 3 pair red breeches, 2 striped vests, 2 white do., 1 blue coat and scarlet vest trimmed, red Camlelet coat, 3 nights, 2 bags for his hair, a sword scarf and husk, 2 hats, 2 razors, pen-knife, pen case, and writing pen, 2 horn combs, a small one and case, 2 shoe brushes, and fine brush.

585. LETTER from Sir James Dalyell to his son Robert.

Binns, 26 June 1746.

Dear Robie,—Your mother and I are much concerned that we have not heard from you since the 8th of May, N.S. I wrote to you and Captain Graham giveng an account of your sister Katie's death which happened on the 28th of April last. She dyed of a nervous fever after a long illness. You may be sure its a great Grieff to us as no doubt it will be to you. Pray let us hear from you per first post and Let us know what situation you are in with any news you have. As for news here there are none, but that the Rebellion is Quite suppressed as no Doubt you have heard.

Pray make our Compliments to Captain Graham. I am, yours affectionately. (Signed) "Ja. Dalyell."

Addressed:—Ensign Robert Dalyell of Generall Collier's Regiment at the Head Quarters of the Dutch Army near Breda by Holland.

586. EXTRACT DECREE in an action raised before John Gillon of Wallhouse, sheriff depute of Linlithgow and Bathgate, at the instance of John, Earl of Hopetoun, against Sir Robert Dalyell of Binns and George Robertson, tenant in Mannerstoun and Mains of Binns, John Paris in Binns Mill, John Lowrie in Scotstonhill, and David Dowie in Haddiston, under the 41st Act of the 1st Session of the 1st Parliament of Charles II, requiring the defender to agree to an excambion of lands for the purpose of straightening their boundaries and of enclosing and planting and the general improvement of the country; decerning that since the pursuer intends to enclose about 500 acres of his lands of Midhope and to do so requires the marches to be straightened, 56 acs. 1 ro. 20 falls of lands of the defender shall pertain to the pursuer, and that 9 acs. 1 ro. 22 falls of the pursuer's lands shall pertain to the defender; and that the present Kirk Road from Binns to Abercorn Parish Kirk, which passes through the pursuer's lands of Midhope, shall be closed and in lieu thereof a new Kirk Road shall pass on the south of Midhopeburn by way of the Coal Bridge. The defenders agree to the excambion. Dated at Queensferry, 15 November 1755.

587. BOND OF CORROBORATION by Sir Robert Dalyell of Binns of a bond granted by his grandfather, the late James Dalyell of Binns, therein designed James Monteith of Auldcathie, of date 11 July 1715, to Andrew Bartholomew, younger, in Queensburgh; which bond the said Andrew

[1] Minister of Glenholm, now annexed to Broughton Parish, Peeblesshire, 1749 to 1802. (*Fasti. Ecc. Scot.* I, 243.4.)

assigned to the late John Gordon, factor to the Earl of Hopetoun, 12 July 1735; and which the said John Gordon disponed to Janet Gordon, his only child, now wife of Mr. William Gordon, late of Bennett College, Cambridge, 18 January 1753; and which she and her husband transferred to Thomas Smith, writer in Linlithgow, and Jean Monteith, his wife, in liferent and to Christian Smith, their daughter, in fee, 11 February 1757. Corroboration dated at Edinburgh, 4 March 1757.

588. TRANSFERENCE by Robert Graham, as in No. 577, to George Dunbar, merchant in Edinburgh, of the assignation of part of the tocher under his marriage contract.

589. INVENTORY OF BINNS WRITS. Dated 1807. No. (53) "Extract Decreet of Excambion Sir Robert Dalyell of Binns against the Earl of Hopetoun: 7 November 1761." This is the excambion of the 61½ acres of Abercorn Moor, as in No. 273.

590. EXTRACT FROM LETTER from Sir Robert Dalyell to his brother Captain James Dalyell: dated at Binns, December 5th, 1761.

"In my last two letters I gave you a full description of all my improvements so shall only say that from Caldcoats march East to Lord Hopetoun's is enclosed on the North and I now begin to enclose on the South side, my new road being mostly completed. I many a time regret in my walks that I have not your good company, I flatter myself that it may happen after the war. I am very sorry of the intention you have of leaving Sir Jeffrey in case His Excellency does not go on the expedition and your Company goes."

"We have never been able to recover General Dalyell's legacy."

591. TRANSFERENCE by George Dunbar, as in No. 588, to Mistress Magdalen Dalyell, only daughter now in life of the late Sir James Dalyell of Binns, Bart., of part of the tocher, as in No. 588: 4 August 1763.

592. BOND OF CORROBORATION by Sir Robert Dalyell of Transference in No. 591. 28 August 1763.

593. TRANSLATION by Mistress Magdalen Dalyell, as in No. 591, in favour of Robert Stewart of East Binnie, under their marriage contract of the date of the translation of the part of the tocher in No. 591. Dated at Edinburgh, 28 November 1766.

594. PROCLAMATION OF BANNS.

Abercorn, 6th of Decr. 1766.

This day was booked for Proclamation in order to Marriage Robert Stewart Esq. of Binny and Miss Madey Dalyell and were married by the Revd. Mr. John Ritchie, minister of the Gospel in this Parish, on Thursday the 11th December.

Extracted from the Marriage Register of the Parish of Abercorn, this 19 of July 1777 years by

(Signed) "Robert Murray, Session Clerk."

595. PRECEPT OF WARNING by Dame Helen Campbell, widow of Sir James Dalyell of Binns, Bart., liferentrix of Blackness lands, and by Sir Robert Dalyell, Bart., now of Binns, fiar thereof, against their tenants, Thomas Baxter in Braehead, William Dalrymple in Flask, Sir Alexander Dalmahoy, Bart., James Cunningham, John Forrester, William Lyel, John Richardson, James Allan, William Brown, and John Gifford in Chapel-Green, all possessors and tenants of Blackness lands, to remove therefrom. Dated at Binny, 9 January 1769.

596. INDENTURE of Thomas Smith, son of the late Thomas Smith, writer, late bailie of Linlithgow, to James Inglis, younger, merchant in Edinburgh. Apprentice fee £100 sterling. Dated at Houstoun and Edinburgh, 5 and 9 August 1769.

597. MARRIAGE CONTRACT between Sir Robert Dalyell of Binns and Miss Elizabeth Graham, eldest daughter of Nicol Graham of Gartmore, with consent of her said father; whereby the said Sir Robert binds him to dispone to the heirs male of the marriage Blackness lands as in No. 123, the lands of Binns, etc., as in No. 94, with 61½ acres of Abercorn Moor; Philipstoun Mill, as in No. 410; Caldcoats, as in No. 40; and Stacks, as in No. 169; whom failing to his heirs male by any other marriage, whom failing to the heirs female born of Sir James Dalyell of Binns and Helen Campbell, his wife, father and mother of the said Sir Robert, whom failing the heirs of Thomas Monteith, second son of James Dalyell of Binns, formerly James Monteith of Auldcathie, and father of the said Sir James Dalyell, whom failing the heirs of Christian Monteith, eldest daughter of the said James Dalyell, whom failing the heirs of Jean Monteith, his fifth daughter, whom failing the heirs of Katherine Monteith, his sixth daughter, whom failing the heirs of Elizabeth Monteith, his niece, eldest daughter of Alexander Monteith of Todshaugh, his brother, whom failing the heirs of Helen Monteith, second daughter of the said Alexander, whom failing the heirs of Jean Monteith, sister of the said Alexander; also to pay to the child or children of the marriage, if one £1500, if two £2000, and if three or more £2500, all sterling; also, to infeft the said Elizabeth Graham in the above-written lands in liferent and to pay her by way of locality £250 sterling yearly and if she survives him £200 yearly if there are no children; and £150 if there are children, in lieu of the household furniture of all kinds; and also £150 for mournings and aliment to the first term. And the said Nicol Graham binds him to pay £1500 sterling as tocher. Dated the 13, 14 and 16 September 1773, and recorded in the Books of Session (M.M.), 17 October 1791.

598. ACCOUNT OF WINES sent for the Funeral of Lady Dalyell of Binns by order of Sir Robert Dalyell, Bart. By Forrests & Maxwell.

1774, Feb. 1.	To 2 Dozen Claret at 36/-	-	-	£3 12 0
	6 Dozen Port at 18/-	-	-	5 8 0
	2 Dozen Zerry at 19/-	-	-	1 18 0
	3 Bottles Madeira at 3/-	-	-	0 9 0
	3 Bottles Mountain at 1/7	-	-	0 4 9
	Straw and Packing	-	-	0 1 9
	paid for carrying a cart to Leith	-	-	0 0 6
				£11 14 0
	To two years' Interest on the above A/c.	-	-	1 3 4
	1777, June 14.			£12 17 4

Edinburgh, 14 June 1777.—Received from Sir Robert Dalyell of Binns, Bart., Twelve pounds Seventeen shillings sterling, in full payment of the above Accompt for the Executors of the late Lady Dalyell of Binns. (Signed) "Forrests & Maxwell."

599. The Funeral of Lady Dalziel to James Smith.

1774, Febry. 1.	6 pair men's Black Gloves	-	-	£0 9 0
	6 pair women's ditto	-	-	0 9 0
				£0 18 0

Receipted 14 June 1777.

600. NOMINATION by Sir Robert Dalyell of Binns of tutors and curators to his children James, John Graham, Robert, and Margaret Cunningham Dalyell, viz., Elizabeth Dalyell his wife, Robert Graham of Gartmore, Robert Ramsay of Blackcraig, George Dundas, younger of Dundas, Alexander Barron of Preston, Allan Clark, W.S., James Taylor, writer in Linlithgow, and Robert Robertson, writer in Edinburgh. Dated at Edinburgh, the 30 of April 1778. Witnesses, Richard Harrison, servant of the said Robert Ramsay, and John Jolly, clerk to the said Robert Robertson. (Signed) "Ro. Dalyell," and the witnesses.

601. COPY OF INDENTURE betwixt Sir Robert Dalyell of Binns and Bruce Brown, son of James Brown, residenter in Leith, whereby the said Bruce Brown binds him as servant for seven years and the said Sir Robert undertakes to provide the said Bruce with bed, board, clothing and education. Dated —— 1779.

602. DISCHARGE in favour of Sir Robert Dalyell of Binns by Robert Graham, late in Shanochill, son of the late Robert Graham of Mackenstown, who was assignee under contract of marriage of date 6 November 1733 between the said Robert, therein designed brother of John Graham of Blaircessnock, and the now deceased Christian Monteith, eldest daughter of the late James Monteith of Auldcathie *alias* Dalyell of Binns, of his late wife's portion under her father's deeds of settlement in No. 536; and of her shares of the portions of her deceased sisters, Elizabeth and Magdalen Monteith, and of the assignation by the late Janet Dalyell, her sister, of her portion "to my said wife in liferent and to Mary and Janet Graham our children in fee; and of the assignation of the portion of the said Mary Graham by her with consent of John Gray, son of the late John Gray, portioner of Blainslie." Dated at Edinburgh, 13 February 1782.

603. NOMINATION by Sir Robert Dalyell of Binns of tutors and curators to his children James, John Graham, Robert, Thomas, William Cavendish Cunningham, Helen, Harriot, Agnes Brown, and Anne Dalyell. Dated in the endorsement, —— 1786.

604. INVENTORY of Binns writs. Dated 1807.

No. 57, Decreet of Excambion the Earl of Hopetoun *v.* Sir Robert Dalyell. —— 1790.

605. EXTRACT ACT admitting Mr. John Graham Dalyell, second son of the late Sir Robert Dalyell of Binns, to the office of an advocate. Dated at Edinburgh, 31 January 1797. Extracted from the Books of Council and Session.

606. COMMISSION of Robert Dalyell, Esq., to be Captain of a Company in the 43rd or Monmouthshire Regiment of Foot, commanded by General Edward Smith. Dated 26 August 1804. Superscribed: "George R."

607. INVENTORY of Binns Writs. Dated 1807.

No. (79). Minute of Sale by Sir James Dalyell and his brother Mr. John Graham Dalyell to William Wilson, farmer at Bridgend, of certain parts of the estate of Binns called Toddleknowparks. Dated 1 and 19 November 1806.

608. COMMISSION of Captain Robert Dalyell of the 43rd Regiment to be Major in the King's Army. Dated 12 April 1814. Superscribed: "George R."

609. COMMISSION of Major Robert Dalyell of the 43rd Regiment of Foot to be Lieutenant-Colonel of Infantry. Dated 31 December 1822. Superscribed: "George R."

610. LETTER from Thomas Brown to Sir James Dalyell.

Sir,—I have to acknowledge the receipt of Ten Guineas as payment of my account for trouble in making out a plan for, and superintending the building of, your Easter Gate.

I am, Sir, your most obedient,

Binns, 27 October 1823. (Signed) "Thomas Brown."

Addressed: "To Sir James Dalyell."

611. OFFER for building Binns Tower.

Merrylees, 10th June 1826.

Agreeably to the specifications shown for building a tower on the top of Binns Hill I hereby make offer according to the same for the sum of Twentynine pounds sterling all outside work and skuncheons to be free stone, £29.

The proprietor performing all materials and carriages: the work commenced when a sufficient quantity of materials are forwarded under a penalty of £5 sterling.

(Signed) "Alexander Duncan for Alex. Allan."

I accept your offer for Sir James Dalyell. George Stirton.

612. COMMISSION of Lieutenant-Colonel Robert Dalyell, half-pay, unattached, to be Colonel in the King's Army. Dated 18 February 1837. Superscribed: "William R."

613. 6 Carlton Gardens,
Feb. 25, 1850.

Sir,—I was absent from town at the time when your obliging note was addressed to me or I should earlier have discharged the agreeable duty of thanking you for drawing my attention to the passage from Kent's Commentaries & of expressing the pleasure I derive from your coincidence in my views.

I must own that so far as the argument for a double chamber in Australia is drawn from experience, that experience in my view is to be found rather in the history of the United States than in that of our own Colonies.

But for my own part though I think much depends on the right constitution of the Upper Chamber, I would rather have almost any kind of Upper Chamber than none at all.

I have the honour to be, Sir, your faithful servant,

W. E. Gladstone.

R. A. O. Dalyell, Esq.

614. COMMISSION by the Right Honourable The Earl of Rosebery, Lord Lieutenant of Linlithgowshire, to Robert Alexander Osborne Dalyell, Esquire, to be a Deputy Lieutenant of the said County. Given at Dalmeny Park, 8 January 1852.

Enclosed therewith is a letter from Thomas Liston, clerk of the Lieutenancy, to Sir William Dalyell, Royal Hospital, Greenwich, father of the said Robert, intimating that both father and son are appointed Deputy Lieutenants of the said County and enclosing a note of fees.

Fees of Commission one guinea each - -	£2	2	0
Expense of Gazetting 6s. each - - -	0	12	0
Paid P.O. order remitting do. - - -	0	0	3
Postages - - - - -	0	0	9
	£2	15	0

615. *Private.* 6 Carlton Gardens,
Dec. 22.52.

My dear Sir,—I wish it had been in my power to make a definite and favourable answer to your very obliging note. But the fact is that presuming a ministerial combination to go forward in which I take a part there is a person connected with me to whom it would be my duty to make the first offer of my Private Secretaryship.

I beg at the same time to assure you that all which a limited acquaintance has allowed me to see of you has made upon me, if I do not take too great a liberty in saying it, the most satisfactory impression.

I remain, my dear Sir, very faithfully yours, W. E. Gladstone.

R. Dalyell, Esq.

616. D. St., July 28/54.

My dear Sir,—I thank you most sincerely for your letter, with which I can only find one fault namely that it makes by far too much of my insignificant attentions. I cannot however at present avail myself of your most obliging offer: for I shall retain both my Private Secretaries for some time yet, and I have no expectation of having to make any new choice or of requiring further aid until the conclusion of the year.

I remain, faithfully yours, W. E. Gladstone.

R. Dalyell, Esq.

617. Hawarden, Dec. 29.54.

My dear Sir,—I am concerned that you should have taken any such trouble as to write with reference to my Private Secretaryship, for in truth it, or rather the moiety of it, is not vacant: as I settled some short time back with Mr. R. Herbert, now a Fellow of All Souls at Oxford, that he should become Mr. Wilbraham's Colleague. I need hardly, I hope, assure you that I cannot but feel honoured by the motives which led you to make the kind offer of your aid: had the office, however, been vacant when I received it, I should have exhorted you to pause before you undertook a place involving so much of what may be called routine or even drudgery, and perhaps on the other hand I should have felt that you and I had hardly been enough in immediate contact to enable me to judge with the degree of certainty that such things require whether I could fairly expect of you to answer all the very varied demands that I am obliged to make on the person filling this office.

I remain, my dear Sir, faithfully yours, W. E. Gladstone.

R. A. Dalyell, Esq.

618. Hawarden, N.W., May 28/55.

My dear Sir,—I beg to assure you that I shall be very glad if Lord Palmerston refers to me on the subject of your application to answer his appeal. I am not however I fear likely to have an opportunity of introducing the subject to his notice before an appointment is made.

I remain, very faithfully yours, W. E. Gladstone.

R. Dalyell, Esq.

619. Clumber, 7 Septr. 1856.

Sir,—I am much obliged by your letter and its enclosure from Sir Stephen Lakeman, and I accept gladly your offer of further information. I shall be in London on Wednesday for two days, and if it would not be inconvenient to you to call upon me on Thursday about 11 o'clock I should feel much obliged by your doing so.

I am, Sir, your obedt. servt. Newcastle.

R. A. O. Dalyell, Esq.

620. Clumber, 6 Octr. 1856.

Dear Sir,—If you will convey the enclosed letter to Sir Stephen Lakeman you will very much oblige me. I have returned the pamphlets which you were good enough to lend me, but I am sorry to say that I have been so constantly occupied for the last month that I have only

been able to give them a very cursory perusal. I shall at any time be greatly obliged for further information respecting the interesting country to which you are returning. With many thanks for the books and for your obliging visit in London

I am, &c. Newcastle

621. LIST OF PUBLICATIONS of Sir John Graham Dalyell, dated 1858.

Fragments of Scottish History.	1798.
Spallanzani's Tracts, Translation of: 2 vols.	1803.
Illustrations of Scottish History.	1806.
Monastic Antiquities of Dunfermline.	1809.
Account of an Ancient Manuscript.	1811.
Disasters at Sea: 3 vols.	1812.
Annals of Scotland.	1814.
Observations on Planaria.	1814.
Huber on Bees, Translation of.	1821.
Illustrations of the Passions: 2 vols.	1825.
Ancient Records of the Bishopric of Moray.	1826.
Darker Superstitions of Scotland.	1835.
Rare and Remarkable Animals: 2 vols.	1847.
Musical Memoirs.	1850.
The Powers of the Creator.	1850.

622. COMMISSION to Robert Alexander Osborne Dalyell, Esquire, now acting General Consul at Belgrade, to be Consul for the Pachalics of Erzeroum and Sivas. Dated 6 February 1859. By Her Majesty's Command. (Signed) "Palmerston."

623. Superscribed: Victoria R. COMMISSION to Robert Alexander Osborne Dalyell, Esquire, now Consul at Erzeroum, to be Consul at Jassy. Dated 8 December 1862. By Her Majesty's Command. (Signed) "Russell."

624. AGREEMENT between the promoters of the Forth Bridge Railway Company, who propose to build a bridge and railway over the Forth from Charlestown to Pardovan, and the Trustees of the late Sir James Dalyell of Binns, through whose lands the railway will pass, whereby the said Company agree to purchase 14 acres of Binns for £250 per acre. Dated 24 February 1864.

NOTES from the CORRESPONDENCE of Captain JAMES DALYELL, b. 1730, killed at Fort Detroit 31 July 1763.

625. LETTER from James Dalyell to his brother Sir Robert Dalyell of Binns, Bart., dated at Ypres, 7 March 1749. [James Dalyell was an officer without pay in General Halket's Regiment in Holland.]

626. COMMISSION to James Dalyell to be Lieutenant. Superscribed: George R.

George the Second, etc., as in No 274. To our Trusty and Welbeloved James Dalyell, Gentleman, Greeting. We do by these presents Constitute and Appoint you to be Lieutenant to that Company whereof Lieutenant-Colonel Russell Chapman, Esq, is Captain in our Sixty Second or Royal American Regiment of Foot to be forthwith raised for our Service in America and to be commanded by our Right Trusty and Right Welbeloved Cousin John, Earl of Loudoun, Major-General of our

Forces. You are therefore, etc. (*mutatis mutandis*), as in No. 274. Given at our Court at St. James's, the fifteenth day of January 1756, and the twenty-ninth year of our Reign.

By His Majesty's Command.

(Signed) "J. C. Fox."

627. COMMISSION by His Excellency John, Earl of Loudoun, Lord Mauchline and Tarrinzean, etc., one of the Sixteen Peers of Scotland, Governor and Captain-General of Virginia, and Vice-Admiral of the same, Colonel of the Thirtieth Regiment of Foot, Colonel-in-Chief of the Sixty Second or Royal American Regiment, Major-General; and Commander-in-Chief of all His Majesty's Forces raised or to be raised in North America To Lieutenant James Dalyell, Adjutant, to be Adjutant to the Sixty Second or Royal American Regiment. Given at Albany, the 18th of August 1756. (Signed) "Loudoun."

By His Excellency's Command. (Signed) "J. Appy."

628. TEMPORARY COMMISSION by His Excellency John, Earl of Loudoun, as in No. 627. to Lieutenant James Dalyell to be Captain in the 44th Regiment of Foot commanded by Lieutenant-Colonel The Honourable Thomas Gage, Lieutenant-Colonel of the 44th Regt. of Foot. You are therefore, etc. Given at New York, the 25 of December 1757. Signed as in No. 627.

629. Superscribed: George R. COMMISSION to James Dalyell to be Captain in the 80th Regt. of Light Infantry raised for service in North America under the command of Colonel Thomas Gage. Given at St. James's, the 28 of December 1757. By His Majesty's Command. (Signed) "Holdernesse."

630. COMMISSION by Jeffrey Amherst, Esq., Major-General and Commander-in-Chief of all His Majesty's Forces in North America, to James Dalyell, Esq., to be Captain in the 55th Regiment of Foot of which the late Brigadier-General John Prideaux was Colonel. Given at Fort George, the 28 of November 1759. (Signed) "Jeff. Amherst."

By His Excellency's Command. (Signed) "J. Appy."

631. COMMISSION by Jeffrey Amherst, etc., as in No. 630, to James Dalyell to be Captain of a Company in the Second Battalion of the 1st or Royal Regiment of Foot of which Lieutenant-General James St. Clair is Colonel. Given at Montreal, the 13 of September 1760. Signed as in No. 630.

632. SIMILAR COMMISSION granted by King George III. Dated at Saville House, the 27 of October 1760. By His Majesty's Command. (Signed) "W. Pitt."

633. MEMORANDUM of arrears of pay due to Captain James Dalyell, showing that from 22 March 1761 he held the appointment of Aide-de-Camp to General Sir Jeffrey Amherst, Commander-in-Chief of the Armies in North America.

LETTERS (except where otherwise stated) addressed to Captain JAMES DALYELL, Aide-de-Camp to His Excellency GENERAL AMHERST, New York.

634 From Major Alexander Monypenny.

Camp at 22 miles above Congrees,
5th May 1761.

Dear Dalyell.—In the morning I excused myself from writing you by Dr. Huck, but have since understood that my friend George Burton is candidate to succeed Major Merrie as Paymaster to the Royal; for your voice in which, I must solicite you and flatter myself you will give it to him, if not already engaged. You probably do not know him. I have upwards of three years, and have lived in particularly confidence with him. He has an excellent understanding and a good Heart, well improved by a good Education, but a weakly Constitution; which makes the business of Paymaster the more particularly proper for him, as he has a clear Head, though a weak body; and almost the only way of serving him, in our profession, as he is young in the Regimant. He has paid the Companys for Merrie since their arrival in Carolina, and I believe did Merrie's business in a great measure for a considerable Time before.

Prescott got to us on the 3rd after a voyage of three weeks, he is very busy getting a State of the Arms and Accoutrements of the Regiment.

We shall be at Loggerheads with the Cherokees in about a month, and are getting on as fast as we can. We still long to hear where the General is to pass the Summer, and the Destination of the Troops now embarking at New York.

Dear Dalyell, yours in great Truth. (Signed) "Al. Monypenny."

635 RECEIPT by Lieutenant Campbell, 3rd Battalion R.A.R.

"Received at New York May 27th 1761 from Lieutenant Robert Campbell, Paymaster to the Third Royal American Battalion, Six hundred pounds Sterling, in dollars, at four shillings and eightpence each, being the full price of my late Commission of Captain-Lieutenant in that Battalion, which I resigned the second of this month, and is to be repaid him by Captain-Lieutenant Allan, my successor, I take this opportunity to acknowledge to have received from the said Lieutenant Campbell full and entire satisfaction of all demands which I had on him as Paymaster to the Battalion aforesaid." (Signed) "Alexander Campbell."

£600 0:0 sterling.

636. From Captain Julius Herring. (*Extract.*)

"As to news this barren place affords none; did it, you who are at the fountainhead must be acquainted with it. As for me I am out of the way of any, being quartered with my Company and another five miles from Roseau, the principal place of this island, dismal quarters they are to be sure."

Dated at Dominique, the 1st July 1761.

637. From Colonel John Vaughan.

Dominique, Roseau,
July 2nd 1761.

Dear Sir,—I take this opportunity of the "Lyons" returning to New York to thank you for your obliging letter of the 16th May.

Your news was very acceptable and I hope you will do me the favour to continue it. My Lord Rollo's letters to the General will I suppose have informed you of our proceedings here.

I need therefore only acquaint you that I have hitherto retained my health very well, in which I am as yet only equally fortunate with the rest of the troops, who seem to have falsified the usual opinion of the sickliness of the West Indies. The island we have the honour to conquer is reckoned of consequence from its being a harbour to the French privateers, who had it greatly in their power to annoy the trade of the other islands by its being so near them. It produces large quantities of cocoa, cotton and coffee, but no sugar, and has a verdure that makes the appearance of it very delightful. Its about 10 leagues long and 7 or 8 broad and has a tolerable good harbour at Prince Rupert's Bay, but the towns are very insignifieant. The climate is sultry and the rains (which are very violent) last sometimes for 6 months together and breed such quantities of vermin that the houses swarm with them. The fruits are but indifferent, the pine-apple being the only one in any esteem, and provisions of all sorts are exceedingly dear. The Major and Captain Hering join me in compliments to you. I shall be glad to hear often from you and execute any commission you may have in this Part of the World.

Being with great truth, Dear Sir, your most obedient and most Humble Servant. (Signed) "John Vaughan."

638. From Captain George Clark. (*Extract.*)

"The fleet left Sandy Hook and arrived at Guadalope four weeks afterwards; arrived off Dominique on 6 June.

"The troops landed before dark and reduced the island without much difficulty."

Dated at La Saye in the Island of Dominique, 6 July 1761.

639. From Sir Henry Seton[1] [of Abercorn, Bart.]. (*Extract.*)

"My mother writes me that Mr. Seton has died in much better circumstances than I expected. My sister and each of my brothers will get £700 or £800. My share will not be much greater for the heritable subjects are but trifling."

Dated at Fort Prince George,[2] the 10 July 1761.

640. From Major Alexander Monypenny. (*Extract.*)

"We set out the 7th June with about 2600 men, that is the number that drew provisions; 600 horses loaded with flour 150 lbs. each, 356 bullocks, 30 with ammunition, etc., 3 a Company, officers' blankets and rum, 2 soldiers' tents a Company.

"Our front was kept strongest, as we supposed, that only serious opposition must be from the enemy posted at any strong pass (which can be found every 4 miles); small parties running in on the flanks were not of consequence; the rest of the line equally strong, so that we were only an escort for the convoy of our provisions, etc. I should have premised that it was doubtful whether we should have peace or war, but thought necessary for the troops to show we could march into their country, and we told them before setting out that we would do it, but not hurt them, if they kept quit at home.

10th June. They attacked us, chose an excellent pass, but were most dastardly. We did not form, but kept on the line of march, sending out platoons. Their numbers we cannot say. The people of the valley and middle settlements were there, none of the Overhills. The gunmen of the valley are computed above 400, middle settlements 900, and about 200 of the lower towns destroyed last year, settled amongst them. I don't suppose half their men came out.

[1] 4th baronet, son of Sir Henry Seton, the 3rd baronet, and Barbara daughter of Sir John Wemyss of Bogie. He had a sister Janet, and three brothers. George, Alexander and Robert. His father's two brothers died S. P.

[2] In Virginia.

"Our loss Ensign Munro of the 22nd and 10 men killed, Ensign Knight, 5 other officers, 48 men wounded. The prisoners tell us every town had some killed or wounded."

The writer goes on to state that "during the march 15 towns, each with a Town-house, were burned besides other 522 houses and that 15000 acres of Indian corn were destroyed."

"From 4th to 9th July the troops marched back to Fort Prince George, all jaded and worn out, about 300 men being carried on provision horses every march, and about half the number of the troops had not a bit of shoe left."

Dated at the Camp at Fort Prince George, 14 July 1761.

641. From Major Robert Prescott. (*Extract.*)

"The fort here will be finished in a few days and the Cherokees having desired to treat are expected every hour. The check they have received they will not easily forget, and they already (by our last accounts from the middle settlements) feel the want of their harvest, which must increase every hour."

Dated at the Camp near Fort Prince George, 6 August 1761.

642. From Captain J. Daniel. (*Extract.*)

"Letters from Charlestown inform us of the death of Captain Wilmott of the Royal, who from a severe indisposition has not been able to accompany the troops upon this service during the campaign."

Dated at the Camp at Fort Prince George, 30 August 1761.

643. From Sir Henry Seton, Bart. (*Extract.*)

"I now begin to imagine our work done in this part of the world, as the Cherokees have sued for peace and agreed to all our terms except that of putting any four of their people (whom they thought the greatest fomentors of the war) to death.

"Their spokesman, the Little Carpenter, very sensibly replied that he thought the article rather too severe; and that he had looked all around him, but could see nobody who deserved that fate."

The question was remitted to the Governor at Charlestown for his decision.

Dated at Keeowee, near Fort Prince George, 1 September 1761.

644. From Ensign William Hay. (*Extract.*)

"I hope His Excellency the General will consider my case; it is upwards of four years since my last Ensigncy was given me and as Lieutenant Cayler is dead, I flatter myself with the hope of that vacancy."

Dated at Niagara, 13 January 1762.

645. From Dr. Archibald Huck.

Martinico, 6th February 1762.

Dear Sir,—Had any remarkable occurrence betwixt our departure from New York and our arrival at Barbadoes afforded me a subject for a letter, you should have heard from me at that island. You know I suppose long ago that we arrived in Carlisle Bay the 24th December, and after watering, sailed from it the 5th Jan.; on the 7th we came to an anchor in Cul de Sac Marin, or St. Anne's Bay, in Martinico. Two or three men-of-war stood in first and silenced a battery or two, of two or three guns. The 'Raisonable' Captain Shuldam, standing too close in-shore, was by the ignorance of the Pilote run upon a rock and lost. What remained of her above water has since been burned after trying in vain to get her guns out. Nobody pretended to form any conjecture of our designs by coming to an anchor here; but when the next day passed without doing anything, it was whispered, how true I will not

pretend to say, that the General and Admiral differed in opinion as to the place of landing. The Admiral was for landing the Army here, and thought they might march to Fort Royal. The General foresaw from the nature of the country, the badness of the roads, the want of carriages, etc., that this was impracticable.

9*th*. The Admiral proposes landing his Marines, I suppose from this motive, that it will at least have the appearance of contributing his share to forwarding the Service. The General, I imagine, seeing this proposal in its true light, ordered a Brigade under Colonel Rufane to land, though he knew no good could arise from it. This they did without opposition under the fire of two or three ships. If they expected that it would draw off any men from Fort Royal, in that they were mistaken; for the Governor knew that our object ought to be the principal place in the Island and that before our army was diminished by sickness or any other cause; and that his chief preparations for a defence ought likewise to be there. Isle Ramiers, or Pidgeon Island, in the Bay of Fort Royal, on which the French have a battery, but so high that the ships cannot bring their guns to bear upon it, was the chief cause of the Admiral's objecting to our landing in that bay. Brigadiers Haviland and Grant were therefore detached with the Light Infantry—the 1st and 3rd Brigades—to try if they could reduce this Island. They sailed this day under Commodore Swanton and four Men-of-War came to an anchor in Petite Ance, landed and marched across the country, came opposite Pidgeon Island by 10 o'clock on the 10th, having carried four Royals and 250 shells on their shoulders. They began to make a bed for the Royals after having taken possession of a very strong post, but soon perceived that the French had two guns upon an eminence that would flank them. Scott wrote to Haviland for leave to go and take them; but received no answer. The French sent some men over the bay, who attacked Scott's party in a very advantageous situation about 10 o'clock at night, but the first fire of Scott's advanced guard put them all to flight, except probably some that were killed: 4 Grenadiers were taken prisoners. At 2 o'clock in the morning Haviland ordered his army to march back to Petite Ance, which they did without any other loss, than that of Lieutentant Barclay of the 42nd Regiment receiving a mortal wound. He saw it would be a vain attempt to reduce that island with the force and apparatus they had with them.

13*th*. The Admiral after reimbarking the troops in St. Anne's Bay, set sail and came to an anchor in Grande Ance d'Arlet.

14*th*. The army begins to murmer at the slowness of our operations; they say these little landings are trifling, fatiguing and discouraging to our own troops, at the same time that they inspire the enemy with confidence and an idea of superiority. They suspect a want of harmony or precision in some of our commanders, or that the enemy is much more formidable than we have hitherto believed them.

15*th*. The General and Admiral went to reconnoitre the Bay of Fort Royal, and came to a resolution of landing tomorrow, to the west of Point Negro.

16*th*. The fleet was all under sail in the morning—10 ships of the line and 3 bombs stretched in for the land in Case des Navires; the Citadel and some guns on shore kept firing at them as they beat up, but without doing them much mischief. The ships ranged themselves along the shore and soon silenced the batteries near it. The troops landed in the evening and at night without opposition: they laid upon their arms all night. Betwixt the place of landing and Morne Tortueson a deep gully runs a vast way into the country; so far that we have not found the end of it. Haviland was ordered into the country with his Brigade and the Light Infantry to try if they could cross it. The

French are everywhere on the tops of the hills that command it, and in most of them have thrown up Redoubts in which they have a gun or two. The army is ready to attempt the crossing of it near the shore if Haviland succeeds. In the afternoon Haviland sent the General word that the gully was so deep, besides so steep and broken, and the environs so well defended, that to attempt a passage was impracticable.

18th. The engineers reconnoitre the country to try if they can find any easy place to cross this confounded gully in. The Morne Tortueson is covered with Redoubts. The General is come to a resolution of erecting Batteries to silence those of the enemy, and to cover us when we attack Morne Tortueson. Frequent skirmishes happen betwixt our Rangers' Light Infantry and the enemy, but without much loss on any side, though we always put them to flight.

21st. The French build batteries faster than we do, enfilade our camp, and maim and kill some of our men. You know what sort of an army we have; they grow weary of their fatigues, and begin to blame measures; everyone speaks as he thinks, or thinks, if he blames when operations are unsuccessful, that he shows a superiority of judgement. In doubtful cases probably no three men will see the same thing in the same light; but everyone judges of it according to the light he sees it in. Many say now that we should have attacked Morne Tortueson the morning after we landed. That we by our delays give them time to increase and strengthen their works. For my share, I should think that the General whose intelligence must be the best, is the best judge.

22nd. This morning we opened two Batteries of five or six guns each, but are not able to silence one of the Enemy's. Things really look gloomy; I don't know how far the General hopes for success; a Man-of-War is ordered for England, but nobody is permitted to write by her. We issue Provision on shore for upwards of 12,000 men, and those brave and healthy; but the unequal rugged country with the works upon the commanding eminences, are dreadful obstacles to encounter. The Marines and the Brigades on the right under Rufane and Grant marched in the evening into one of the gullies, for we have two to cross near Point Negro.

23rd. This day was spent in preparations for the attack of Morne Tortueson: the principal push is to be made by the Grenadiers and Brigades on the right.

24th. The army laid on their arms all night and formed so early in the morning, that they began the attack at daybreak. The firing of small arms continued from half-an-hour after five till after seven, when the enemy was driven from all their works on Morne Tortueson, and pursued to the very town. The fire of the Citadel stopped our men in the chace. They say if Haviland had got over the gully early enough, we might have got possession of Morne Grenier, which commands the hill we have now taken. He met with no opposition but the difficulty of the country, which was such that I heard an officer say he believed a goat had never passed it. The French fire upon us from Morne Grenier and are busy at work entrenching themselves this afternoon. Our Army merits the highest praise for their resolution and courage; but had the French behaved with half the fortitude we should never have succeeded. The natural strength of the country exceeds the conceptions of any man who has not seen it. We are preparing to erect Batteries against Morne Grenier which stands north of, and overlooks, the town and citadel. Captain Cockburn of the 42nd and Lieutenant Gordon of Montgomery's were killed; Colonel Massy was wounded in the head, Major Reid in the thigh, Captain James Murray shot through the lungs, Captain Edmonstone through the belly, Turnbull of the 42nd through the shoulder, these three last dangerous but not without hopes of recovery; Noble lost his leg, McKenzie of Montgomery's has the

bone of his forehead laid bare ; five or six more are wounded but all recovering. Mallet will gain great credit by some of them. Poor Lord Rollo had this morning the misfortune to lose his only son who died of the yellow fever.

27th. Nothing remarkable has happened since the 24th, but lucky as that day was, this has proved more fortunate. In the afternoon the French were seen in motion on Morne Grenier but no great regard was paid to them, as it was imagined that they were going to relieve their guards. Colonel Darby and Monypenny had taken a ride to see Haviland and Welsh's encampment, when they saw the French attack the working-parties cutting fascines. They called to the Light Infantry to turn out who immediately ran to their arms, but without staying to form into very regular order, attacked the French with such fury, that they put them instantly to flight, pursued them from hill to hill, till they got possession of three with Artillery upon them. Night came on, when some of the superior officers thought it was proper to halt the men, and keep possession of the ground they had gained, for the Brigades had followed to support the Light Infantry. This they attempted in vain, for when they had halted some of them, they found that others were still pursuing ; Leyland's Light Infantry never stopped till they found themselves, about 8 o'clock, unexpectedly in possession of the French camp batteries and guns on Morne Grenier. The fugitives proved our guides through passes which we possibly might never have found without them. The French had a great many killed, and by this false step saved us a great deal of time, trouble and loss of blood. We lost no time in profitting by our good fortune. We turned 7 guns and 2 mortars that we found on Morne Grenier upon the Citadel and erected one battery of 10 guns and one of 4 and 2 mortars upon Morne Tortueson ; the French kept up a superior fire.

Feb. 2. We opened another battery of 6 guns ; the fire of the French begins to slacken ; but though our guns may drive the enemy from theirs and kill their men, yet we are at too great a distance ever to make a breach.

4th. Our good fortune keeps pace with our alacrity. Last night a drunken Royal American deserted to the Citadel and told the garrison we were preparing to storm them. This struck them with such a pannick that they immediately sent out an officer and beat the chammade. The first thing the officer saw was Major Skey with 300 men drawn up with fixed bayonets ; this confirmed him in the truth of the deserter's report. Skey had just marched into the town to cover a Bomb Battery we were going to make there. The officer was carried to the General, and begged that hostilities might cease ; but he told him that he had come out in such a hurry that they had not had time to draw up articles of capitulation, but that they would be ready in the morning. In the afternoon we took possession of the Citadel ; the garrison marched out with the Honours, but are prisoners of war. The troops, about 400, are to be sent to France ; the Privateersmen and Militia to be disposed of as the General pleases. Deputies come in to capitulate for different Posts of the Island ; but I believe no message has yet passed betwixt the two Generals. La Touche says he will dispute the possession of the Island with us upon the last hill. Nobody is more rejoiced at our success than the late Governor of Guadaloup, who is prisoner with us and has been so with the French since he gave up that Island.

This letter must serve you and Colonel Robertson ; but I have spoke so freely, be cautious to whom you show it besides.

My most respectful compliments to the General and Col. Amherst, to Mrs. Robertson and all friends. I am, &c.

R.H. [Dr. Richard Huck].

646. From Captain Donald Campbell.

Detroit, 10 February 1762.

Dear Jamie,—I had the favour of yours of the 22nd September by Sir Robert Davers. I thank you for your long and obligging letter. Nothing can give me greater satisfaction than your friendly remembrance of me in this distant part of the world. I am happy Sir Jeffry Amherst approves of my conduct, and that General Monkton is soe much my friend; you mention a thing to me that I really had not the ambition to think of myself, but I allow General Monkton and my friends to be better judges. In consequence I have wrote to Mr. Mackenzie desiring his interest and opinion of it. But to tell you my real sentiments, my greatest ambition at present is to be quit of this command, with Honor. When we took possession of this place we had not three days' provision for the garrison. I have been obligged to make large contractions for provisions and Indian affairs, and am still obligged to continue to furnish provisions from the country, as they could not supply me from Niagara.

I sent my accompts by Sir William Johnstoun to the General. I am afraid His Excellency will find them a little extravigant, but if you wander, I had all the Indians in this part of the Continent to managge, who seemed not reconciled to the change of Government. It was noe false alarms I sent the General of the bad designs of the Indian nations against us: I have had convincing proofs of it since that time. I have been at great pains to inform myself of the genius and interest of the different Indian nations. I have the vanity to think the timely discovery I made of their designs, and the influence I obtained with one of the leading nations, was the reason of their schemes being disconcerted.

I wish the General had come here himself as he intended; he would have seen the trouble I have had, and continue to have with this post and its dependencys. Sir William Johnstoun had the smallest part of the trouble, as he had only to deliver the presents. And I can assure you of one thing which you easily will believe of me, that reap noe advantage to myself which other people would doe in my situation. I am obligged in decency to keep up a certain rank, as they look upon me as their Governor.

I hope the General will approve of all my proceedings, as I have done everything I thought best to be done for the Service.

I have wrote you more fully on this subject in case my conduct should be called in question. Je vous remercie beaucoup pour vos nouvelles politiques, pour moi je ne me mele plus que des affaires sauvages. Je ne suis plus intressé des interests des Princes Européens, comme je frequentois le Caffé de Baptiste à la Haye. Vous raisonez en bon politique, mais je nè crois pas la paix si prochaine. Il y a autant des differentes partis à contenter.

Nous passons bien notre temps pour des exilez, notre Société est beaucoup augmenté par l'arrivé de Chevalier Davers qui paroit un jeune homme de plus accomplis; il passe l'hiver avec nous. Je fais mon possible de lui rendre le séjour du Detroit agréable.

I have wrote Mr. Townshend and Mr. Mackenzie. I hope they will remember me. I never thought of asking leave to goe home in case that I was to be continued in the command of Detroit. I hope this will find you with the General.

Pray when you write to your brother Sir Robert, inform him all about me and let me know your news from Scotland.

And I am, my dear Jamie, yours with the greatest Sincerity,

(Signed) "Donald Campbell."

I beg leave to mention to you one Doctor Antony, surgeon's mate who is here with me. He is a very deserving young man, and wants to purchase an Ensigney in our Regiment. Do something for him.

647. From Doctor Huck.

Fort Royal, 14 February 1762.

Dear Sir,—Since I had finished and sent away my last, though both my letters will come by the same conveyance, Mr. la Touche has capitulated for the whole Island, and the victualling is arrived which brought me your acceptable Letter. I have no more news to send you than what I mentioned in my last. It will not be disagreeable to you nor General Amherst to know that Monypenny has given great satisfaction to General Monkton, and that he has recommended him for the rank of Lieutenant-Colonel.

The General embarks tomorrow for St. Pierre's; and I hope it will not be long before the troops embark for the reduction of the other islands that the French yet possess. We have a report that the Acteon Frigate was attacked by a Spanish Frigate, which she has taken and carried into Barbadoes. A Spanish war gives me great concern; I am afraid we shall broil long in the Torrid Zone.

Pray present my most respectful compliments to Sir Jeffry and the Colonel, and assure yourself that I am most sincerely Yours.

(Signed) "Rd. Huck."

648. From Lieutenant George Turnbull.

Montreal, 2nd March 1762.

Dear Sir,—According to my proposal of giving you a little Canadian news now and then, if I should remain silent another post, you might with reason call me a lazy fellow, though at the same time I do assure you, except I was able to enter into the Bagatelle which seems to be the reigning humour of the French, I don't know what other account I could give you of this our famous Metropolis; par exemple, Madam une telle a été au Ball nonobstans que son mari est sur mer; une Second sera bien aise si son mari ne reviendra jamais; une troisième est toujours avec les Anglois; et une quatrième vont au Ball des Marchands parcequ' ils leur donne de credit; la cinquième est une précieuse qui ne sorte point jusquo les Francois arrive; Monsier le Curé dit que ils sera tous damné et même noyé comme ce pauvre gens qui ont fait naufrage l'autre jours, si ils ne font pas bonne penitence pour une condiute si volage et que cette pauvre pais sera tout a faite ruiné, si les Anglois reste une autre anné; mon Dieu est il possible notre saint Religion sera tourné en ridicule comme cela qui a soutenu pendant tant des siecles malgré Satan et tous ses compatriotes les Heretiques; mais que voulez vous, mais frères. Les femmes ont été toujours maline depuis le commencement du monde cela est vrai que cette une pomme qui nous a fait tout damné, mais cette un autre fruit que ils se serve avec aujourd'hui; puis le Luxe puis le plaisirs car cette de la ou sorte tous nos malheurs, etc.

I need not ask you how you amuse yourself at New York for Captain Rutherford tells me it never was so gay—plays, balls and concerts—and that St. Andrew never shined so much as this winter. In place of plays we have masquerades, qui sont plus commode, il me semble, but the Careme and that unlucky accident of the vessel being cast away, such a number of men, women and children going all to eternity at once, has put us all in the dumps. The priests are the only gainers as it will be some hundred messes in their pocket.

Lake Champlain in all probability will not now freese this year. We hear of severall officers at Crown Point that dare not venture out on snow-shoes that will be oblidged to wait till the Spring, as likewise Captain Fraser that sold out and Mr. King of the 58th are oblidged to stay here till a change of weather.

Pray do you know anything of our new Colonel, or do you imagine he will join us? There is a strong report our Regiment is to go to Fort Levi. Indeed if it depends on our Governor I should not be surprised, for I believe we are no favourites of his. What do you think of my friend Allan McLean to blunder himself into a Majority? Everybody who gets home succeeds. Pray who gets Allans Company? I wish his

Excellency would give me an opportunity of thanking him. But what am I saying? I have got into a dream. If there is any Expedition goes forward in the Spring, I wish I could be employed by Colonel Robertson, for I hate an inactive life and nothing would give me greater pleasure than bid adieu to the Canadian belles whose pride and vanity font tout leur bien. I wish to God we may go to Mexico in the Spring. Whither would you chuse the character of Cortez or Pizarro? I believe the latter would be most beneficial. Adieu. My compliments to Colonel Robertson. I am, dear Sir, sincerely yours.

(Signed) "George Turnbull."

649. From Lieutenant George Mackenzie of the Royals. (*Extract.*)

"Our cloathing arrived here about a fortnight ago. The tailors are all busy at work and God knows we had a great occasion for it, for most of the men's cloaths are not fit to be seen."

Dated at Halifax, 10 March 1762.

650. From Captain Roderick Mackenzie. (*Extract.*)

"This is my third since I have had the pleasure of hearing from you, which will I suppose be delivered to you by a Gentleman whom a Wagg of this place has described in the following words:

Benoni Danks streight and tall
Captain of Rangers and that's all.

"I believe it was a misfortune to Mr. Danks that he imagined his Company was never to go out of this Province, which (though a bad one) is the only reason I can suppose for his having neglected the discipline of his Men till he received orders of Embarkation; when, for the first time, he begged a Sergeant of my Company to drill them. I really believe him a man of so much honour as to have always acted according to his Principles; but, I believe these Principles were more fixed upon extracting money out of his Company, than of making them good soldiers. I mention so much about him only by way of apology for the appearance of these people, since it may be supposed I might have been instrumental in forming them, which I really found impracticable without more severity than could be decently used to a Corps one does not belong to; however, I doubt not but Major Gorham's Activity will effect more than I chose to take upon me."

Dated at Fort Cumberland, May 13, 1762.

651. From Lieutenant Donald Campbell of the 2nd Battalion R.A. (*Extract.*)

"In my passage here I observed the Brig "Ranger" to be a single-decked vessel and no Plattform of Boards for the men to ly on but on the Top of the Watter Casks and Ballast and that there was no kind of Beding on Board which I conceive will be very Disagreeable and Discourageing to the Recruits that might have been put on board should they remain there for any time; woud therefore beg the favour you woud Inform me if anything is to be done to remove the above inconveniencies on the return of the said Brig or arrival of any other Transport in the same situation."

Dated at Hampton, Virginia, May 15, 1762.

652. From Lieutenant James Calder. (*Extract.*)

"There are a great many deserters in this Colony." Dated at Windham (Virginia), September 8, 1762.

653. From Doctor T. Barr.

Kitty Vitty,[1] 19th September 1762.

Dear Sir,—Although you will hear from 20 different hands more than I have time to write, yet I cannot omit wishing you Joy of the reduction of St. Johnes. The Garrison consisting of 740 men sur-

[1] Kiddy Viddy, now a fishing village in Newfoundland.

rendered yesterday; I was in the Fort and saw them lay down their arms and must do them the justice to say that I never saw better looking men, nor a more genteel Corps of Officers. They are all Prisoners of War, and to be sent to France.

To give some Idea of our different operations you must know that we joined our Fleet off St. Johnes 12th September. In the evening the Transports anchored in Torbay; on the 13th in the morning Colonel Amherst landed with his little Army in the Face of a brisk fire from the Enemy by which we had a Sailor killed and three men wounded; our men did not fire one shot till they were formed on the Beach, and then their fire soon drove the Enemy from very strong ground; this was all over by 11 o'clock in the morning. Colonel Amherst followed the fugitives who took the road to this place where the Enemy had 300 men posted on perhaps the strongest ground you ever saw. These our army attacked in the evening and beat them from their strongholds by which we gained this place; which was absolutely necessary for the Landing our Artillery and stores, etc., there being only a footpath from Torbay and that a very bad one, and the distance 6 or 8 miles. In this last attack Captain Roderick McKenzie, poor man, was wounded by a ball in his Bladder; upon the whole we have but little reason to expect his recovery. We had 3 men wounded at the same time with Captain McKenzie and two or three wounded Frenchmen fell into our hands.

Tuesday was taken up in carrying Provisions, etc. from Torbay to this place, clearing the Harbour here which the French had been at great pains to fill up and in keeping possession of the posts round this place on which the Enemy fired every now and then from a high hill between this and St. Johnes called Flagg Staff Hill.

Wednesday morning at the dawn of day Captain McDonald with the best men of his own and Captain Maxwell's Company to the number of 75 with a Company of Provincials commanded by one Capt. Barron attacked the Enemy on Flagg Staff Hill, beat them from it with the loss of Lieutenant Schuyler killed on the spot, Capt. McDonald wounded in the leg and both bones of the leg brok. We had besides 15 or 16 men very badly wounded, for our People received the fire of the Enemy so near that many of the wounded were burnt by the Powder. The Enemy were more numerous than we and placed on the Summit of a Hill almost inaccessible. Nevertheless their loss on this occasion was not less than ours. Colonel Amherst had great Merit in planning the attack and poor McDonald has gained great reputation in executing it. This success disconcerted the Enemy so much that they left all their outposts and the Night following their Fleet in the harbour cut, the wind favouring them, and sailed out of the harbour without my Lord Colvill's knowing anything of the matter.

Thursday and Friday the Army was employed in making Roads, landing the Artillery and making Batterys. On Friday evening about 9 o'clock our Batterys were opened. We fired 300 shells at the Fort many of which entered and made the place so hot that the French Captain who came next day, Saturday, for Terms said that he would not stay such another night in the Fort for the whole Island.

Some men-of-war from England are off the harbour but I have not heard their names. I believe there are three ships of the Line and 20 or 30 Gun Frigates.

I hope you are now perfectly recovered; please to give my compliments to Sir Henry Seton. I should have wrote to him on this occasion but have nothing to say worth his hearing. I am, dear Sir, your most obliged and most humble servant. T. Barr.

654. From Captain James Dalyell to his brother Sir Robert Dalyell of Binns. (*Extract.*)

"There are other Governments of a more inconsiderable nature, such as Rhode Island and Connecticute, where the People by virtue

of their Patent elect their Governor from amongst themselves every six months, or once a year. These two last species of Governments, though the subject is endued with a great deal of liberty, yet may be esteemed as Prejudicial to the Interests of the Crown, not to say, to the Mother Country in General, particularly in time of war, as these Ignorant, though free, People, not only obstruct the King's Service, but too often during the course of this present war, have carried on an illicit and unnatural trade with the Enemy in their settlements in the West Indies, directly contrary to Act of Parliament and the laws of their Mother Country, and are not only guilty of supplying the Enemy with Provisions at Cap Francois and other Plantations in the West Indies, but have sent them Naval Stores, and every other Implement of war that they could procure, and in exchange buy up their Sugars and other Produce of these places to the manifest detriment of our own Colonies in the West Indies. I am sorry to say it that these illicite Practices has been through the Connivance of some of the Governors of these petty Governments under the Pretence of sending Flags a-truce for the Exchange of Prisoners, etc., been too much countenanced, not to say encouraged. All which the Ministry have been well informed of and notwithstanding their endeavours, and the servants of the Crown in this country, these Practices are still carried on by great numbers of the Merchants in this Country."

Dated at New York, 25 October 1762.

655. From Captain Valentine Gardiner. (*Extract.*)

"The Deputy Commissary of Provisions here (Blecker) was tryed a few days ago, and found guilty of stopping from the men their allowance of rice and issuing to them short measure in their pease by three quarts short in four gallons; this he has done for one hundred and thirty days. The Court order him to make up the difficiency to the men. Mild sentence!"

Dated at Crown Point, Feb. 18, 1763.

656. From Doctor William Bruce.

"William Harlem belonging to the Royal Regiment of Artillery, about the middle of June 1761 coming over Lake George went on shore at night to make a fire and cook his kettle, where there happened to be a number of rattlesnakes. He very imprudently went to kill some of them in the dark and was bit by one on the inside of his right leg a little above the ancle, and in about five minutes after was taken with a vomiting and sickness and unable to return to the boat, but was supported by his comrade; he very soon afterwards vomited blood, complained of a violent heat and excessive pain in his stomach, which increased untill his death, that happened ten hours after his being bit, notwithstanding Mr. Blair the surgeon did everything that is recommended in such cases, as scarifying the wound, applying the fat of the animal (which was killed), oil, salt, etc.

"These are the circumstances I can recollect to have heard concerning that unlucky accident." (Signed) "William Bruce."

New York, Feb. 26, 1763.

657. Extract from a letter from Sir Jeffrey Amherst to Col. Bouquet.

"New York, 19 June 1763.

"I have sent Captain Dalyell to Niagara, and he will have attention to the supplying Presqu' Isle,[1] from thence, with reinforcements of men, or whatever else the Garrison may stand in need of, which I hope will arrive in time to prevent its falling into the hands of the Indians, should

[1] Village on Lake Erie, built by the French in 1753; taken by the Indians 22 June 1763.

they attack it, especially as they got a few men, and a small supply of Provisions from the officer of Hopkin's Rangers, that was obliged to return to Niagara, after having been great part of the way to the Detroit, the Indians having attacked and routed his Detachment.

"I have only to add, that should the Indians have been able to do mischief at the Detroit or the upper posts, for as yet I have no accounts from thence, I must collect all the force I possibly can, at Niagara and Presqu' Isle, and take such measures, as may not only reduce the Savages, but retake and keep possession of the several posts that may have been taken from us; and for securing the country, in such an effectual manner as to prevent any future danger from the attempts of the Savages."

658. From Captain James Dalyell to Captain Winepress.

Shenectady, 22nd June 1763.

Sir,—Whereas a number of Volunteers are immediately wanted to assist in garrisoning Fort Stanwix[1] and posts adjacent as far as Oneida Lake; I, therefore, agreeable to His Excellency Sir Jeffrey Amherst's instructions to me, and in virtue of the authority he has given to me to raise, arm and pay all such men as will volunteerly enlist themselves for the purposes abovementioned, I therefore (thinking it will be for the good of the Service) desire that you may do everything in your power to engage as many men as you possibly can for the above services, sending them on under their several officers as was named yesterday, to Colonel Campbell or Officer Commanding at said Fort, where on their arrival they will be mustered.

In case you can engage 100 men you will then either go with them yourself, or follow them in case you have sent them on in small parties, in order to take the command of them as their Captain, putting yourself under the command of Colonel Campbell whose orders you are to follow; and I do hereby engage that the officers and men shall be paid at the following rate:—The Captain 10 shillings, Lieutenant at 6 shillings each, the Sergeants at 4 shillings each, and the Private men at 3 shillings each, York currency, per diem: but the Sergeants and Private men will not receive any pay till the Service is over, and if they leave the post where they may be stationed without leave they shall forfeit all pretensions to their pay, notwithstanding this agreement.

When you send on any men you will constantly apply to Ensign Ellis of the 55th Regiment who has my orders to furnish them with arms if required and one pound of pouder and six and thirty bal for each man, for which you will give your receipt.

In case it should so happen that between this and two and three days hence, you can raise any number of men, you will send on an express to Colonel Campbell to acquaint him with certainty what number of men he may expect to joyn him before he arrives at Fort Stanwix or soon after his arrival there; I must now recommend to you to do in this and in many other things as you think may be best for the Service, observing the greatest Economy in your advances to the Officers if necessary before this Service is over. And that the men may more fully understand the terms they are engaged upon, you will make each of them sign this paper which I send you herannexed: and as the Service only requires those men for a short time, and if they are not immediately raised so as to joyn Colonel Campbell at Fort Stanwix soon after his arrival there, I therefore desire that you will only continue officers or engage men for this service for eight days from the date thereof or to the 30th of this month inclusively when you will desist, except you are otherways directed by Colonel Campbell or myself. I am, Sir, your most obedient servant.

(Signed) "Ja. Dalyell," Aid-de-Camp.

To Captain William Winepress at Albany.

[1] In New York State.

659. From Sir Jeffrey Amherst to Captain James Dalyell.

New York, 26th June 1763.

Sir,—I am to own your letter of the 20th instant. You will have seen by my last that I am not much disappointed in the backwardnesse of the Albany people to raise men, etc.

I have ordered all the remains of the 42nd and 77th Regiments to Fort Pitt[1] for I find the defeat of Lieutenant Cuyler and his Detachment, with the success the Indians have had in cutting off some traders has given them such spirits as even to invest Fort Pitt. I can now send no more from hence; and I must recommend the utmost diligence to be used your way, in collecting such a body as can be spared from the several posts, agreeable to my former orders, so that we may be able to push forwards from Niagara, as well as Presqu' Isle, a sufficient force to regain any of the posts that may have fallen, and to chastize the perfidious Barbarians.

I have proposed to the Governor of this Province to raise three Companys in the Albany District, if it can be immediately effected, which will help much in the getting all the Regulars forward. I am, Sir, your most obedient servant, Jeff Amherst.

P.S.—I am told my proposal for the three Companys can't take place till the Assembly meets, by which time I hope we shall not want them. J. A.

To Captain Dalyell.

660. From Captain Robert Gray.

Fort Stanwix, 27th June 1763.

Dear Sir,—I'm favoured with yours from the B. Howse, and shall as far as in my power contribute to have everything that can be done here, whilst I remain, executed for the good of the Service.

I have sent by Farrel two Rim Cartridge Paper, and I expect by night to have 5000 cartridges compleated here, which I shall bring along with as many more as I possibly can. Flints are very scarce, and not any Buckshott in Store. The conductor had best purchase thread as there is not a bit of twine in store for fastning the Cartridges. I have got about twenty-four oars which shall be brought along. Colonel Campbell and the 17th lay last night at Harkemans. I am, dr. Sir, sincerely yours, Robert Gray.

To Captain Dalyell at Fort Ontario.

661. From Captain T. Moncrieff.

Dear Dalyell,—I had your favour of the 20th from Albany. You indeed stole a March upon me, for I knew nothing about you till Dinner Time.

The Disturbance among the Indians which gave you the Jaunt to the Westward has put a Little Life into us all. Mair is almost gasping; Sir Jeff is still unruffled, takes his usual Ride; and I hold the Toast and have all the Hobor Nobs upon me.

But that's no matter of Distress to me, the Ladys are too much for me. We had Sir John his Lady and Sister with us the other Day. The Sister Buxom and Lively as the Bounding Doe. By Jove She's a fine One. She fears not what any Man can Say or Do unto her. Rather a Good Piece, than Hansome. Tall, well made, Great Life. Wild as a Colt untamed. You and She would make Noble Grenadiers. And you would have had her all to yourself. For she said to me, Lord help him, the Poor Man is Married. With a sort of an Arch Look at Sir John the same time. And I thought He was rather Gruff upon it. Lord help him Indeed. As we are raising your Curiosity with regard to this Lady, Napier gave us an Anecdote of her Yesterday, viz., That She had made

[1] At the forks of the Ohio, formerly known as Fort Duquesne, afterwards Fort Dunmore.

three Conquests since She came to Town. But She was Sorry to find they were all three Fools. Robinson reply'd with his wonted Dryness that she had not seen any Body, But Himself, Mallett, and me. I observed upon that, He was known to be an Admirer of Young Ladies. Probably I might be Suspected, and that Mallett was the only one of the three, whose folly was pardonable.

The Colonel has found great Benefit by the Country. I have not seen him since Thursday. I shant forget to give your compliment.

General Monkton and Sir Harry sail to Morrow, and the Lieut. Governor is Ready to assume the Reins. Old Horsmunden is just going to be married to the widow Haynes and has Bought General Monkton's Coach for her. I enclose a Letter from Bayley, Delivered me by a Sergeant of the Royal, who brought the celebrated Mr. Campbell from Halifax. He who deserted from the Royal Highlanders about three years ago, and has Personated an Officer of Marines for Some Time past. He is now in Irons aboard the Monckton.

For the Recovery of Mrs. Moncrieff's Health, I have been oblig'd to take a Villa at Long Island. Its rather Disagreable crossing the Ferry every Evening at Nine. I am sorry to hear Duncan is ill, this Riot among the Savages will make him apprehend a Delay in our Destination for Greece.

Not the least Syllable from England yet.

Remember me to all your friends as you Go along. I hope to see you back soon, after accomplishing Your Errand, without the least Embarrassment. I am Dear Dalyell, Sincerely Yours,

T. Moncrieff.

New York, June 27, 1763.

662. Copy of Letter from Capt. Dalyell to Lt.-Col. Amherst, A.G.

Fort Ontario, 30th June 1763.

Dear Sir,—Having wrote several times to the General since I had the pleasure of seeing you, I need not trouble you with a Detail of my Journey to this place, and during which (indeed) there has nothing happened worth your notice. I arrived here on Monday last onely, having stop'd at Albany, Shenecktady and at several places on the Mohauk river for reasons, I take for granted, you are acquainted with. I must own since my arrival here I have waited with some impatience for the Reinforcements of the 55th Regiment which were to be relieved at Fort Stanwix and the posts adjacent by the 17th Regiment and all the Officers and men of that Regiment likewise that could be spared, to be sent on here. That as large a Detachment as can be got together, without leaving the Several Garrisons and posts too bare of troops, in order to proceed with all Dispatch possible to Niagara and from thence, agreeable to His Excellency's intentions, to Reinforce the Garrison of Detroit.

On my arrival at Albany I had wrote to Major Duncan to inform him of the General's Intentions as far as related to the Reinforcements to be sent from this, in order that he might prepare a Sufficiency of Ammunition, Boats, Oars, etc., that no time might be lost in proceeding so soon as the troops should be brought on here; and on my Arrival found things in that forwardness I could wish; ever since as I loose no time in going forward, I have employ'd in fixing a Swivil in the Prow of a few of the Battoes: we try'd them yesterday, and they had a very good Effect. They carry a half pound Bal, and the Grape is composed of ten musket bal; I should not have thought of this, had I not time to spare as I imagine that savages will scarcely attempt attacking me on Lake Erie in these Cockle Shell Canoes; but they may be of excellent service in securing my Camp in case I should at any time be obliged to remain a Day or two at one place on account of the Severity of the weather; and they may be likewise extremely useful in re-establishing Sonduski

or case it should be found necessary, or any other posts the Savages may have destroyd.

I carry likewise from this two small Coehorns and some Entrenching tools which may be useful at Detroit, or the last Articles to open the lagoons or Harbour that may be shut up by the sand on the lakes. It will easyly occurr to you why I prefer sitting myself out here with those Articles in preference to Niagara as I shall make no stop there but proceed immediately on Lake Erie and indeed I should have gone with out those things, had Colonel Campbell been able to send on the Reinforcements as soon as I expected. His not doing so I suppose is owing to the feeble and Convalescent State of that Regiment which only reached Harkemans the 26th instant, and is the last intelligence I have of them.

The moment they come, I shall not loose a moment in proceeding, and I shall reckon myself excessive happy if the General and you approve.

663 COPY OF LETTER from Capt. Dalyell to H. E. Sir Jeffrey Amherst.

Fort Ontario, 3rd July 1763.

SIR,—My letter to Colonel Amherst of the 30th ultimo which will arrive at the same time with this will inform Your Excellency of my arrival at this place, and of the cause of my remaining so long here. The last of the men of the 55th Regiment relieved at the several posts by the 17th Regiment are this moment arrived, and thereby enables Major Duncan to furnish me with a Detachment agreeable to a Return which I send you enclosed along with a Roll of the few Volunteers we have been able to get here and the returns of the Several Articles I take from this which are made mention of in my letter to the Colonel; I therefore have the pleasure to acquaint Your Excellency that there is nothing now detains me here but the Lakes lulling a little, as I am told that it is too tempestuous to venture out of the harbour at present. There are as yet none of the 17th Regiment who have been able to reach this place, but Lieutenant Williams of the Light Infantry and about 24 men of that regiment will be on here this evening.

I had the honour to receive Your Excellency's letter of the 19th ultimo and shall pay all the attention in my power to Presqu'isle, agreeable to what Your Excellency has signify'd to Colonel Bouquêt, and though the numbers I take from this are small I think the Detachment of the 55th Regiment so well composed when added to what I expect at Niagara. I do not regret the smallness of the number of the detachment near so much as the time that I have lost by the 17th Regiment being so long on coming on, which I suppose must be attributed to the feeble and Convalescent state of that Regiment. With regard to the latter part of Your Excellency's letter Signifying your desire of having a speedy retaliation made, should the Savages have committed any insults on the upper posts; I am afraid they have done too much Mischief; to put a stop to it, I shall do everything in my power, and that can be expected of so small a Detachment, for I am afraid that Major Wilkins will not be able to spare me many of his Garrison; but at this distance from Detroit, and having no furthe intelligence of the Enemy, than the Vague reports, said to be brought by the vessel that came from thence to Niagara, the Reinforcing Detroit shall be my first object and when that is effected I shall insinuate to Major Gladwin that I should imagine the most effectual way to get free of these Savages who invest Detroit, will be to find out their Deposites (if they have any) and their wives and children, to endeavour to destroy the first and get some of the latter into our own Possession, to be the most likely way to put an end to that sort of war, which I should Imagine cannot be of long duration.

Your Excellency will see by the enclosed return that I carry Lieutenant Abbot of the Royal Artillery with five of his people on with

me from this place. I was induced to do this, the rather, that I have mounted four suivils on batteaus, as you will see by my letter to the Colonel; and likewise imagined that two small Coehorns would not be amiss to be brought on to Detroit for the use of that Garrison.

The reason I carry everything from this in Preference to Niagara, I had time to spare, and did not know what they could furnish me with at that place. They will be soon carried over the carrying-place. Lieutenant Brehme who overtook me at Fort Stanwix is now quite recovered, and says Your Excellency is a much better Phicisian than Monro.

I am with Respect your Excellencys Most obedient and humble servant. Ja. Dalyell.

To His Excellency Sir Jeffrey Amherst.

664. From "The London Chronicle or Universal Evening Post," from Saturday, October 15, to Tuesday, October 18, 1763.

St. James's, October 14.

This day arrived an express from Sir Jeffrey Amherst, Commander-in-Chief of His Majesty's forces in North America, dated New York, September 3, with the following advices.

Detail of the Action of the 31st of July 1763, commanded by Captain Dalyell, against the Indian Nations, near Fort Detroit.

"On the evening of the 30th of July, Captain Dalyell, Aid-de-Camp to General Amherst, being arrived here with the detachment sent under his command, and being fully persuaded, that Pontiac,[1] the Indian Chief, with his tribes, would soon abandon his design, and retire, insisted with the Commandant, that they might easily be surprized in their camp, totally routed, and driven out of the settlement; and it was therefore determined, that Captain Dalyell should march out with 247 men. Accordingly we marched about half an hour after two in the morning, two deep, along the great road by the river side, two boats up the river along shore, with a patteraro in each, with orders to keep up with the line of march, cover our retreat, and take off our killed and wounded; Lieutenant Bean, of the Queen's Independents, being ordered with a rear guard to convey the dead and wounded to the boats.

"About a mile and a half from the Fort, we had orders to form into platoons, and, if attacked in the front, to fire by street-firings.

"We then advanced, and in about a mile farther, our advanced guard, commanded by Lieutenant Brown of the 55th Regiment had been fired upon so close to the enemy's breast-works and cover, that the fire, being very heavy, not only killed and wounded some of his party, but reached the main body, which put the whole into a little confusion; but they soon recovered their order, and gave the enemy, or rather their works, it being very dark, a discharge or two from the front commanded by Captain Gray. At the same time the rear, commanded by Captain Grant, were fired on from a house, and some fences, about twenty yards on his left; on which he ordered his own and Captain Hopkin's Companies to face to the left, and gave full fire that way. After which, it appearing that the enemy gave way everywhere, Captain Dalyell sent orders to Captain Grant, to take possession of the above-said houses and fences, which he immediately did; and found in one of the houses two men, who told him the enemy had been there long, and were well apprized of our design. Captain Grant then asked them the numbers; they said above three hundred; and that they intended, as soon as they had attacked us in the front, to get between us and the fort; which Captain Grant told to Captain Dalyell, who came to him when the firing was over. And in about an hour after he came to him again and told Captain Grant he was to retire, and ordered him to march in the front, and post himself in an orchard. He then marched, and about half a mile farther on his retreat, he had

[1] Chief of the Ottawas.

some shots fired on his flank; but got possession of the orchard, which was well fenced; and just as he got there, he heard a warm firing in the rear, having, at the same time, a firing on his own post, from the fences and corn-fields behind it.

"Lieutenant M'Dougall, who acted as Adjutant to the detachment, came up to him, Captain Grant, and told him, that Captain Dalyell was killed, and Captain Gray very much wounded, in making a push on the enemy, and forcing them out of a strong breast-work of cordwood, and an entrenchment which they had taken possession of; and that the command then devolved upon him. Lieutenant Bean immediately came up, and told him, that Captain Rogers had desired him to tell Captain Grant, that he had taken possession of a house, and that he had better retire with what numbers he had, as he, Captain Roger could not get off without the boats to cover him, he being hard pushed by the enemy from the inclosures behind him, some of which scouted the road through which he must retire. Captain Grant then sent Ensign Pauli with 20 men back to attack a party of the enemy which annoyed his own post a little, and galled those who were joining him, from the place where Captain Dalyell was killed, and Captain Gray, Lieutenants Brown and Luke were wounded; which Ensign Pauli did, and killed some of the enemy in their flight. Captain Grant at the same time detached all the men he could get, and took possession of the inclosures, barns, fences, etc., leading from his own post to the Fort, which posts he reinforced with the officers and men as they came up. Thinking the retreat then secured, he sent back to Captain Rogers, desiring he would come off; that the retreat was quite secured, and the different parties ordered to cover one another successively, until the whole had joined, but Captain Rogers not finding it right to risque the loss of more men, he chose to wait for the armed boats, one of which appeared soon, commanded by Lieutenant Brehm, whom Captain Grant had directed to go to cover Captain Roger's retreat, who was in the next house; Lieutenant Brehm accordingly went, and fired several shots at the enemy; Lieutenant Abbot, with the other boat, wanting ammunition, went down with Captain Gray; Lieutenant Brown and some wounded men returned also, which Captain Grant supposes the enemy seeing, did not wait for her arrival, but retired on Lieutenant Brehm's firing, and gave Captain Rogers, with the rear, an opportunity to come off; so that the whole from the different posts joined without any confusion, and marched to the Fort in good order, covered by the boats on the water side, and by our own parties on the country side, in view of the enemy, who had all joined, and were much stronger than at the beginning of the affair as was afterwards told us by some prisoners that had made their escape; many having joined them from the other side of the river, and other places. The whole arrived at the Fort about eight o'clock. Return of the killed and wounded:—

	Killed.	*Wounded.*
"Captains - - -	1	1
Lieutenants - -	0	2
Serjeants - - -	1	0
Drummers - - -	0	1
Rank and file - -	18	38
	20	42"

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